

**IN THE HIGH COURT**

**KB-2024-001538, KB-2024-001772  
and QB-2021-000171**

**KING'S BENCH DIVISION**  
**MEDIA AND COMMUNICATIONS LIST**

**BETWEEN:**

**PROFESSOR THEODORA KOSTAKOPOULOU**

**Claimant**

**-and-**

**(1) UNIVERSITY OF WARWICK (Corporate Body incorporated by Royal Charter  
under Royal Charter Number: RC0006678)**

**(2) PROFESSOR ANDREW SANDERS**

**(3) PROFESSOR CHRISTINE ENNEW OBE**

**(4) PROFESSOR ANDY LAVENDER**

**(5) MS DIANA OPIK**

**Defendants**

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**CLAIMANT'S RESPONSE TO MR J. BOURNE ORDERED**

**SUBMISSION RE MS J. EADY'S ORDERS**

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1. The matter related to Ms Lindsay's letter dated 20 March 2024 (HMTCS's response to my recusal application, instead of the judge herself) [Page 1] and my email queries about the proper procedure dated 20 and 21 March 2024 [Page 2].
2. Ms Lindsay decided to treat my short emails as an appeal against her/the Registrar's decision. I did not submit an appeal.
3. On 7 June 2024, Mr Munden disclosed to Master Armstrong (HC) that he would be seeking a CRO against me and requested a TWM certification to my objections to the Interim Charging Order post-judgment.

4. On 2 August 2024, having received Ms J. Eady's order (EAT) with a TWM certification unexpectedly, I applied for its withdrawal on the basis that I had never submitted an appeal to the EAT and for an apology for her error (plus nominal costs) [Pages 14 and 15].

5. On 29 October 2024, I received another Order by Ms J. Eady with a TWM certification on my application of 2 August 2024 which had informed her that I had not submitted an appeal to the EAT [Pages 3-6].

6. On the same day, I responded by email to the EAT noting that I had not submitted an appeal to the EAT and that Ms J. Eady had written two unnecessary orders on a non-existent appeal [Pages 12-16].

7. As the EAT often refuses to consider correspondence without an application, I put the content of my email in an application to the EAT dated 30 October 2024 outlining all the rules of procedure (both the 1993 Rules and the Practice Direction of September 2023) which make it ultra vires to create an appeal without the appellant's initiation and the submission of the appellant's grounds of appeal and the required Appeal Notice form [Pages 7-16].

8. On 29 November 2024, I received Ms Eady's **third Order** on a non-existent appeal (- which DWF and Mt Munden used in their HC application for an extended civil restraint order) [Pages 17-18] which included also a threat to refer me to the Attorney General - a threat that was improper, disproportionate and potentially retaliatory since I had merely raised a legitimate legal argument about proper procedure supported by both the Rules and Practice Direction which can never be considered vexatious since questioning a court's jurisdiction when it appears to act ultra vires is a valid legal position, not vexatious conduct, and one has the right to defend her right not to have appeals created on her behalf. Ms J. Eady's suggestion that this takes up "disproportionate resources" was particularly concerning because:

a) the EAT itself created the situation by converting emails into an appeal,

b) I had spent quite a lot of time writing and notifying the EAT on several occasions that I had not submitted an appeal and

c) the use of resources stemmed from the EAT's own decision to create and then dismiss an appeal and to continue to send orders with TWM certifications.

9. In sum, Ms Justice Eady had created three (3) Orders against me with a TWM certification which were improper because I had not submitted an appeal to the EAT against Ms Lindsay's letter of 20 March 2024 and the EAT has neither a power nor a jurisdiction to create appeals

sua sponte on behalf of a litigant in order to produce artificial TWM decisions to harm a party's legal position.

Prof. Dora Kostakopoulou

20 January 2025



# EMPLOYMENT APPEAL TRIBUNAL

Fifth Floor, Rolls Building, 7 Rolls Buildings,  
Fetter Lane London EC4A 1NI

Case Management Queries: 020 7273 1017

Facsimile : 01264 785 028

Our Reference: EA-2023-000871-AT, EA-2023-000872-AT,  
EA-2023-000949-AT, EA-2023-000951-AT,  
EA-2023-000952-AT, EA-2023-000953-AT,  
EA-2023-000954-AT, EA-2023-001051-AT,  
EA-2023-001089-AT & EA-2023-001271-AT

## BY EMAIL ONLY

Mrs T Kostakopoulou  
The Appellant

20 March 2024

Dear Madam,

**Mrs T Kostakopoulou v 1. University of Warwick**  
**2. Professor C Ennew 3. Professor A Sanders**

I refer to the above matter.

I write further to your email dated 06 March 2024 containing an application (dated 04 March 2024) for the recusal of The Honourable Mrs Justice Eady DBE (President).

This matter has been referred to Ms S Lindsay (authorised to act on behalf of the Registrar), who directs:

*There is no matter relating to the Appellant's appeals that the President, Mrs Justice Eady, is currently assigned to consider. In the event that any matter arising from these appeals comes before her for consideration in the future, the application will fall to be considered by her at that time.*

Yours faithfully

*A Thomas*  
Abbey Thomas  
for Registrar

Cc Shakespeare Martineau LLP for the Respondents (by email only)

**Re: [EA-2023-000871-AT & Others] Mrs T Kostakopoulou v 1. University of Warwick 2. Professor C Ennew 3. Professor A Sanders - 1304457/2020**

From Dora Kostakopoulou <dorakostakopoulou@protonmail.com>

To LONDONEAT <londoneat@Justice.gov.uk>

CC edoc28 <edoc28@protonmail.com>

Date Thursday, 21 March 2024 at 11:02

Dear Madam/Sir

**Re: The Registrar, Ms Daly, has not 1) followed the EAT's own procedures correctly, 2) the law 3) has violated the Appellant's rights and 4) has breached the Nolan Principles**

I write because I believe that neither Ms Daly nor Ms Lindsay, who replied to my recusal application of 4 March 2023 of Ms Justice Eady, the President of the EAT, are authorised to decide my recusal application and have thus acted against the law and procedures.

Could I, therefore, request the appropriate and fully reasoned decision on my recusal application from Mrs Justice Eady addressing all its grounds, the facts, the inserted evidence and the law?

Thank you,

Professor Dora Kostakopoulou

Sent with Proton Mail secure email.

On Wednesday, 20 March 2024 at 15:11, Dora Kostakopoulou <dorakostakopoulou@protonmail.com> wrote:

Dear Madam,

Further to my previous communication, could you please state what position Ms Lindsay holds at the EAT as well as why the response to my recusal application should be dealt by Ms Daly ( - the registrar)?

Thank you,

D. Kostakopoulou

h Proton Mail secure email.



# EMPLOYMENT APPEAL TRIBUNAL

Fifth Floor, Rolls Building, 7 Rolls Buildings,

Fetter Lane, London, EC4A 1NL

Telephone :

Facsimile : 01264 785 028

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Our Reference: EA-2023-000871-AT  
EA-2023-000872-AT, EA-2023-000949-AT  
EA-2023-000951-AT, EA-2023-000952-AT  
EA-2023-000953-AT, EA-2023-000954-AT  
EA-2023-001051-AT, EA-2023-001089-AT  
EA-2023-001271-AT

Mrs Theodora Kostakopoulou  
By email only

29 October 2024

Dear Sir/Madam,

**Mrs T Kostakopoulou v 1. University of Warwick 2. Professor C Ennew 3.  
Professor A Sanders**

I refer to the above matter and enclose a sealed copy of the Order.

Yours faithfully

Jonathan Dixon  
for Registrar

encl



EA-2023-000871-AT

**EMPLOYMENT APPEAL TRIBUNAL**

Appeal Nos EA-2023-000871-AT, EA-2023-000872-AT,  
EA-2023-000949-AT, EA-2023-000951-AT,  
EA-2023-000952-AT, EA-2023-000953-AT,  
EA-2023-000954-AT, EA-2023-001051-AT,  
EA-2023-001089-AT & EA-2023-001271-AT

**BEFORE**

**THE HONOURABLE MRS JUSTICE EADY DBE (PRESIDENT)  
IN CHAMBERS**

IN THE MATTER of Appeals under Section 21(1) of the Employment Tribunals Act 1996 from the decisions of an Employment Tribunal sitting at Midlands West and sent to the parties on 22 May 2023, 01 June 2023, 02 June 2023, 13 June 2023 (with Written Reasons sent on 01 September 2023 and 13 September 2023), 14 June 2023, 07 July 2023, 03 August 2023, 08 August 2023, 22 August 2023 and 13 September 2023

**BETWEEN:**

Mrs T Kostakopoulou

Appellant

- and -

1. University of Warwick
2. Professor C Ennew
3. Professor A Sanders

Respondents

UPON consideration of the appellant's application form of 20 August 2024 and attachments thereto

AND UPON consideration of the files herein

AND for the reasons provided

IT IS ORDERED that:

1. The appellant's application of 20 August 2024 is dismissed.
2. The appellant having made repeated applications that had been found to be without merit, and her conduct of litigation before the

Employment Appeal Tribunal seeming to be vexatious, the Registrar would be asked to consider whether there were grounds for a referral to be made to the Attorney General.

IT IS FURTHER DIRECTED that any application for permission to appeal against this order should be made direct to the Court of Appeal within 21 days of the seal date of this order.

### **Reasons**

- (1) By application notice dated 20 August 2024, relying on earlier applications made by emails of 2, 5 and 6 August 2024, the appellant makes the following application:

That I should withdraw my order seal dated 2 July 2024 and issue a formal written apology and pay costs of a nominal sum of £75.

(For completeness, I should state that the application notice also contained various other applications, relating to rulings made by His Honour Judge Auerbach, which have been separately addressed by order of HHJ Auerbach of 18 September 2024).

- (2) The order of 2 July 2024 related to emails sent by the appellant on 20 and 21 March 2024, by which she expressed her dissatisfaction with a response from the EAT of 20 March 2024, by which Ms S Lindsay (authorised to act on behalf of the EAT Registrar) declined to progress an application made by the appellant by letter dated 4 March 2024 that I should be recused. As explained by letter from the EAT of 1 May 2024, the appellant's emails of 20 and 21 March 2024 were treated as an appeal against Ms Lindsay's direction. That appeal was placed before me and was the subject of my order of 2 July 2024.
- (3) The appellant contends that the order of 2 July 2024 was null and void as she had never lodged an appeal against Ms Lindsay's direction.
- (4) The reasons provided for my order of 2 July 2024 explain the relevant background, including the fact that the EAT had determined that the appellant's emails of 20 and 21 March 2024 should be treated as an appeal against Ms Lindsay's direction. Adopting that course was consistent with rule 21 **EAT Rules 1993**, whereby it is provided that any party aggrieved by the disposal of an interim application by the Registrar may appeal against the decision in issue. Specifically, the appellant had made plain her disagreement with Ms Lindsay's case management direction that no decision was required on the application for recusal, and had requested that the matter be put before me for "*the appropriate and fully reasoned decision on my recusal application*". Both points of disagreement were then addressed in my order of 2 July 2024. The order is neither null nor void. Had the appellant wished to challenge the decision made, it had

been open to her to do so by way of application for permission to appeal to the Court of Appeal.

- (5) The further application now made by the appellant is again totally without merit. Her continued correspondence in respect of the orders or rulings made in her appeals is properly to be described as vexatious. The appellant's conduct of litigation before the EAT takes up a disproportionate amount of the resources available (both administrative and judicial), and adversely impacts upon the ability of the EAT to deal with other appeals. In the circumstances, I now ask the EAT Registrar to consider whether there are grounds for the appellant's conduct of litigation before the EAT to now be considered by the Attorney General.

**D A T E D** 29 October 2024

**TO:** Mrs T Kostakopoulou the Appellant  
Shakespeare Martineau LLP for the Respondents

The Secretary, Central Office of Employment Tribunals, England & Wales

(Case No. 1304457/2020)

Annex 2

Employment Appeal Tribunal

Application for direction or order

Name THEODORA KOSTAKOPOULOU Appeal number EA-2023-00081 Other parties to the appeal UNIVERSITY OF LARWICK AND OTHERS	I am <ul style="list-style-type: none"><li>• An appellant <input checked="" type="checkbox"/></li><li>• A respondent <input type="checkbox"/></li><li>• Other – please specify <input type="checkbox"/> <input type="text"/></li></ul>
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This is an application

- for a general case management order or direction pursuant to Section 7, including any application for an extension of time
- to appeal against an order made by the Registrar (see Section 7.14)
- to amend (see Section 8.2)
- for an urgent hearing or consideration of an application (see Section 8.3)
- for an adjustment or adjustments because of a medical condition or disability (see Section 8.4)
- to postpone a hearing (see Section 8.5)
- to review a previous decision of the EAT (see Section 8.6)
- for restriction(s) to the open justice principle (see Section 8.7)
- to view or obtain copies of documents (see Section 8.8)
- to add or remove a party (see Section 8.9)
- to rely on material before the Employment Tribunal (see Section 8.10)
- to ask the Employment Tribunal questions (see Section 8.11)
- to rely on evidence that was not before the Employment Tribunal (see Section 8.12)
- to rely on an argument that was not raised before an Employment Tribunal (see Section 8.13)
- by a party for a remote hearing (see Section 8.14)
- to observe a hearing remotely (see Section 8.15)
- to dispose of an appeal or cross-appeal by consent (see Section 8.16)
- some other type of application  please state the application you wish to make

I will copy this application to the other party or parties to the appeal

Yes

No - if no, state your reason

Have you made a similar application before

No

Yes - If yes, state what change in circumstances is relied on for making the application again

Yes Partially - Void Order  
false representation of  
the Rules.

In making this application you must set out all the grounds on which you rely

The determination of your application will generally be final and you will not be able to make a similar application again unless there has been a material change in circumstances (Note that any challenge to the determination of an appeal against an order made by the Registrar would have to be by appeal to the Court of Appeal (Court of Session in Scotland) - see section 7.14.10)

**Applications that rely on medical evidence (e.g. for adjustments or postponement)**

I have attached all relevant medical evidence

Yes

No - if no state your reason

**Applications that rely on other evidence**

I have attached all relevant evidence

Yes

No - if no state your reason

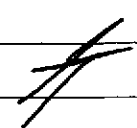
**All applications**

The grounds for my application are:

*(You must set out the grounds using numbered paragraphs.)*

Please see the appended 3 pages  
(17 paragraphs)

Signed



Dated

30/10/2024

1 I have to write to request a review and rescission of Ms Justice Eady's Order dated 29 October 2024 on the grounds of paras 8.6.1 (a) [the order was made as a result of an error on the part of the EAT] and para 8.6.1(c) [in the interests of justice] of the 2023 Presidential Guidance written by Ms J. Eady herself. This rests on the EAT's inherent jurisdiction to correct fundamental errors on its own initiative or following a party's application.

2. Ms Justice Eady's order of 29 October (- and of 2<sup>nd</sup> July 2024) are null and void because:

1. There is an undisputable fact that I never raised an appeal against Ms Lindsay's email communication of 20 March 2024 and thus Ms Eady's two orders are based on non-existent appeals.

2. There is no legal right, entitlement or power on the part of the EAT, the President of the EAT or the Registrar to raise an appeal on the part of a party and thus Ms J. Eady's orders are based on a violation of the law and false representation of the law (i.e., Ms Justice Eady's justification that the EAT "determined that the appellant's emails...should be treated as an appeal" and this was "consistent with rule 21 EAT Rules 1993").

3. Please let me elaborate on the latter:

- A. According to Rule 21(1) EAT Rules 1993, the power to appeal against a Registrar's decision is specifically reserved for "any party aggrieved by his decision." The rule says: "Where an application is disposed of by the Registrar in pursuance of rule 20(2) any party aggrieved by his decision may appeal to a judge..." Rule 21(2) further supports this by detailing how the notice of appeal must be given by the aggrieved party - either orally or in writing within 5 days of the decision. The express wording of the rule is clear; the right to appeal belongs to the aggrieved party and the initiative must come from that party through giving notice of appeal.
- B. The EAT cannot unilaterally raise an appeal against the Registrar's decision without the aggrieved party giving notice of appeal. This aligns with the general principle that parties must initiate their own appeals rather than having them initiated by the tribunal itself.
- C. According to the Practice Direction EAT of September 2023, which Ms J. Eady herself drafted, para 7.14, makes it clear that only a party can appeal from a Registrar's order. There is no provision in the Practice Direction allowing the Registrar to raise an appeal on behalf of a party.
- D. The Practice Direction consistently refers to "If you appeal from an order made by the Registrar..." (section 7.14.1), indicating that the initiative must come from the party who wishes to challenge the Registrar's decision.
- E. This aligns with the general principle established in section 7.13.3 that "If your original application was determined by the Registrar an appeal may be made to a judge within 5 working days of the date when the Registrar's decision was sent to the parties."
- F. Just as in appeals against Employment Tribunal decisions, the right to appeal against a Registrar's decision belongs to the aggrieved party and cannot be initiated by the tribunal/Registrar themselves. The party must take the active step of filing the appeal using the prescribed form and process.
- G. Based on the Practice Direction, the complete procedural requirements for appealing a Registrar's decision include a 5 working days deadline, a specific form (Annex 2 of the PD) to be submitted to the EAT and specific documents to be submitted by the Appellant. Without these documents the appeal is not properly instituted.
- H. I only made the procedural point in my email communication to Ms Lindsay that a recusal application is only addressed by the judge himself and not other persons and thus it had not been addressed yet. I did not submit any formal notice of appeal, did not use the required forms, did not submit the required documentation and did not indicate any intention to appeal either orally or in writing.
- I. The 2023 Practice Direction and the 1993 Rules do not give any power to the EAT to initiate appeals on behalf of parties. Nor can the Registrar convert email correspondence into appeals. Nor can judges create appeals where none were submitted in order to dismiss them and criticise a party.

- J. The party must take the active step of filing the appeal using the prescribed form and process and thus my letter of 2 August 2024 was not vexatious (- please also note that this letter was replicated in an application form including other matters because the EAT instructed me to do so).

## LEGAL CONSEQUENCES

4. Accordingly, the EAT has acted outside its jurisdiction in violation of the rules. It does not have the power to create an appeal on behalf of a party unilaterally and to consider non-existent appeals. Nor does it have the power to make an order upon a matter never submitted to them by the party using the correct procedures and forms. The orders of Ms J. Eady are null and void and thus incapable of producing legal effects. The *Anisminic* judgment of the House of Lords [1969] 2 AC 147 makes provision for the above:

**‘Lack of jurisdiction may arise in various ways. There may be an absence of those formalities or things which are conditions precedent to the tribunal having any jurisdiction to embark upon an enquiry. Or the tribunal may at the end make an order that it has no jurisdiction to make. Or in the intervening stage, while engaged on a proper inquiry, the tribunal may depart from the rules of natural justice, or it may ask itself the wrong questions, or it may take into account matters which it was not directed to take into account. Thereby it would step outside its jurisdiction. It would turn its inquiry into something not directed by Parliament and fail to make an inquiry which Parliament did direct. Any of these things would cause its purported decision to be a nullity.’**

5. As established in *Macfoy v United Africa Co Ltd* [1961] 3 All ER 1169, ‘if an act is void, then it is in law a nullity. It is not only bad but incurably bad.’ ‘It is automatically null and void without more ado, though it is sometimes convenient to have the Court declare it to be so. And every proceeding which is founded on it is also bad and incurably bad.’

6. The principles in *Craig v Kanssen* [1943] KB 256, where it was held that the Court is entitled to set a void order aside without the need for an appeal *ex debito justitiae*, and *Liverpool City Council v Pleroma Distribution Ltd* [2002] EWHC 2467 further confirm that orders made without jurisdiction or in violation of natural justice (- I would add in breach of the HRA 1998 and Article 6 ECHR) are void *ab initio* and cannot be validated by subsequent conduct.

7. In *Pleroma*, Mr Justice Kay stated:

‘In my judgment it is that when a Magistrates Court purports to do something which is unlawful and in excess of its jurisdiction it is competent to correct its error.’ [10]

‘...It would be unfortunate and contrary to common sense and fairness if the magistrates were constrained by law to stand on their earlier decision, made in ignorance of the facts, and to have to direct the disadvantaged ratepayer to the Administrative Court and an application for judicial review. Moreover, **there is no logical reason why what common sense and fairness justice require within an hour or a day should be subject to a temporal limit.**’ [10]

8. The authority above justifies why an appeal to the Court of Appeal which would further drain my time and resources by thousands of pounds and would delay matters for c. six months is both unnecessary and unwise.

9. The EAT has the inherent jurisdiction to rescind the orders and to apologise for the inconvenience, costs and harm caused to me.

10. The order was made as a result of crucial errors of law on the part of the EAT and the interests of justice require such a review.

11 In addition, justice also requires that Ms J. Eady withdraws the improper ‘vexatious’ and ‘totally without merit’ characterisations of my letters’ submissions dated 2 August 2024 since:

- A. Raising a legitimate legal argument about proper procedure, supported by both the 1993 Rules and Practice Direction 2023 is not vexatious conduct
- B. Questioning a court's jurisdiction when it appears to act ultra vires is a valid legal position and is not vexatious conduct

12. The suggestion that Professor Kostakopoulou's applications take up "disproportionate resources" is particularly concerning because the EAT itself created the situation by converting emails into an appeal and the EAT has decided to expend its resources to creating an appeal out of thin air and then to dismiss it in order to characterise Professor Kostakopoulou negatively and to create a 'paper trail' of totally without merit decisions which the Respondents can use in seeking to prevent the substantive hearing of Professor Kostakopoulou's claims.

13. The threat of referral to the Attorney General could be seen as an attempt to intimidate a party for raising valid legal arguments and to discourage legitimate jurisdictional challenges. It is disproportionate and potentially retaliatory because my legal argument about jurisdictional issues is a legitimate legal argument supported by the 1993 Rules, the 2023 PD, and several authorities.

14. The functionality of Ms J. Eady's order is based on non-judicial motives (- it is not a coincidence that the Respondents have announced their intention to silence me via an orchestrated civil restraint application). I have evidence of the attempted framing of Professor Kostakopoulou's valid and law-based actions as 'vexatious' in order to pervert justice.

## **LEGAL NOTICE**

15. I do not intend to expend more time, money, resources and psychological implications in raising an appeal against a void order. Nor do I intend to write again to the EAT about this matter.

16. I intend to comply with the case law mentioned in section 2 above and wish to put the EAT on formal notice that unless it addresses the void orders of Ms J. Eady and rescinds them by 4.30 pm on Wednesday, 13 November 2024, I shall proceed on the basis that Ms J. Eady's orders of 2 July and 29 October 2024, being void ab initio, never existed in law.

17. This will include treating the 'totally without merit' certifications as legal nullities, which are in any case substantively and procedurally improper, and invoking this in any legal proceedings.

**Re: EA-2023-000871-AT Mrs T Kostakopoulou v 1. University of Warwick 2. Professor C Ennew 3. Professor A Sanders 1304457/2020**

From Dora Kostakopoulou <dorakostakopoulou@protonmail.com>  
To LONDONEAT<londoneat@Justice.gov.uk>, edoc28@protonmail.com,  
david.browne@shma.co.uk<David.Browne@shma.co.uk>  
CC midlandswestet@justice.gov.uk<MidlandsWestET@Justice.gov.uk>  
Date Tuesday, 29 October 2024 at 18:20

Dear Mr Dixon,

I would like to thank you for your email!

In the interests of honesty, integrity and the correctness of the record, please kindly be reminded that:

1) I never submitted an appeal against Ms Lindsay's email communication in relation to the recusal of Ms J. Eady and please see below an image of both Rule 21 of the 1993 Rules as well as the relevant provisions of Ms Justice Eady's PD of September 2023. There was never an order from the Ms Lindsay nor any submission of a notice of appeal on my part per rule 21.2 of the 1993 Rules and/or 7.14 of the PD of the EAT.

2) My letter of 2 August, which is replicated below, explained the above fact very clearly.

Accordingly, Ms Justice Eady has written two unnecessary orders on a non-existent appeal for her own purposes and on the basis of her own motives which are clearly detected from her new threats (- on this please see also page 2 of my letter of 2 August 2024).

I have nothing further to add on this matter and I would be grateful if you could file this letter.

a claim or application... the Appeal Tribunal, pursuant to section 30(7) of the Act, shall be referred to the Appeal Tribunal as required to be constituted by section 28 of the 1996 Act who shall dispose of it

**Appeals from Registrar**

- 21 (1) Where an application is disposed of by the Registrar in pursuance of rule 20(2) any party aggrieved by his decision may appeal to a judge and in that case the judge may determine the appeal himself or refer it in whole or in part to the Appeal Tribunal as required to be constituted by section 28 of the 1996 Act
- (2) Notice of appeal under paragraph (1) of this rule may be given to the Appeal Tribunal, either orally or in writing, within five days of the decision appealed from and the Registrar shall notify every other party who appears to him to be concerned in the appeal and shall inform every such party and the appellant of the arrangements made by the Tribunal for disposing of the appeal

**Hearing of interim applications**

submitted by a  
7.13.4  
it to comment on your  
T within a specified  
parties by the EAT  
the considers  
in(s)  
permit such directions to

- 7.13.1 If you consider that there has been a change of circumstances since you may apply for a direction to be given to review a decision previously refused. The application should be made at the earliest opportunity in accordance with the procedure in the form at Annex 2.
- 7.13.2 You must clearly explain in your application from what is the relevant change of circumstances and why you wish to ask for the matter you seek to rely on when you made the original application.
- 7.13.3 If your original application was determined by the Registrar an appeal may be made to a Judge within 5 working days of the date when the Registrar's decision was sent to the parties. The way you calculate the time limit is set out at paragraph 7.13.4. You should comply with this Section and use the form at Annex 2.
- 7.13.4 If you disagree with an order or direction made or refused by a Judge of the EAT you are not entitled to seek to have the decision made again by a different Judge. You are not entitled to have the matter referred to the President to be considered again.
- 7.13.5 If you consider that a Judge has made an error of law in making or refusing an order or direction you may consider seeking permission to appeal to the Court of Appeal (or Court of Session in Scotland) (see Section 13).

**7.14 Appeal from Registrar's Order ("ARO")**

- 7.14.1 If you appeal from an order made by the Registrar you should do so in accordance with this Section and using the form at Annex 2. The Registrar or a Judge may direct that the appeal be determined on the papers (without a hearing) or at a hearing (referred to as an **ARO Hearing**).
- 7.14.2 If a hearing is fixed the other party or parties are entitled to attend and make submissions.
- 7.14.3 You should agree a bundle of documents for the ARO Hearing with the other party or parties. It must include the following documents (but no other documents):
  - a the judgment, order, direction or other decision you are appealing against and any written reasons for it

Ms Justice Eady  
President of the Employment Appeal Tribunal  
5<sup>th</sup> Floor, 7 Rolls Building  
Fetter Lane  
London  
EC4A 3DF

2 August 2024

Dear Ms Justice Eady,

**Re: Your Order of 2 July 2024 Addressing a Non-existent Appeal – An Open Letter**

On 2 July 2024, I unexpectedly received your Order made in Chambers about a supposed appeal of mine, which I never submitted to the EAT. It consisted of 4 pages and included false assertions, negative characterisations, and depictions of fictitious actions.

Brief examples of the latter are your statements: *'...I am satisfied that this application is vexatious and an abuse of the process of the EAT; it is properly to be characterised as totally without merit'*

*'By insisting, nevertheless, that it be dealt with, the appellant is ensuring that resources of the EAT are dedicated to her appeals of other appellants; that is properly to be described as an abuse of the EAT process. Second, by using her application to again seek to re-visit the case management issues addressed in my orders of 8 and 29 February 2024, the appellant is acting vexatiously'*

I could not understand your order, so I revisited my files, which confirmed that I never submitted an appeal to the EAT on this matter, not even an application.

I merely stated in an email communication dated 21 March 2024 that neither the EAT's Registrar, Ms Nicola Daly, nor an HMTCS person authorised by her can decide an application for the recusal of a judge [your recusal] for this can only be decided by the judge himself/herself who needs to address the grounds, facts, submitted evidence and the law. That was an email communication consisting of two short paragraphs in response to the EAT's short letter dated 20 March 2024 in which Ms Lindsay (HMTCS) used four lines to make a decision on a judicial recusal application.

Surely, as the President of the EAT and the author of the EAT's practice direction dated 21 September 2023, you are very aware of the appeal procedures, the appellant's duty to submit appeal grounds and the specific forms which must be used. The same applies with respect to an application for direction or order (Annex 2, PD of September 2023). On 20 March 2024, I did not activate these procedures, did not submit any appeal grounds, or use any forms.

You, therefore, have written an Order (4 pages) on a non-existent appeal.

You must also be aware that no EAT judge or Ms Daly, the EAT's Registrar, has the authority to initiate appeals on behalf of litigants. This is not only because such an action would be ultra vires, but also because no judge or HMTCS staff can enter another person's mind to articulate appeal grounds. In such a case, we would be witnessing a serious violation of the rule of law, fundamental rights and the nullification of the autonomous and free will of persons in liberal democratic orders.

Judicial impartiality would be transgressed: by creating an appeal and then dismissing it, the judge would be acting as both a party to the proceedings and the adjudicator, which violates the principle of *nemo iudex in causa sua* (no one should be a judge in their own cause). In addition, using judicial authority to create a situation that allows for criticism of a litigant could be seen as an abuse of judicial power.

Yet, in para 6 of your Order, you wrote: *'By letter of 1 May 2024 [Ms Lindsay's letter [HMTCS]], it was directed that the appellant's emails [of 20 and 21 March, I guess] would be dealt with as an appeal against the directions given in the EAT's letter [Ms Lindsay's letter] of 20 March 2024. The matter has duly been referred to me to determine.'*

If you made an error inadvertently by writing the above and an order of 4 pages on a non-existent appeal, I would like to request its nullification and withdrawal since it is void or voidable, that is, legally ineffective, and an apology.

If, on the other hand, your action was tactical, designed to offend and harm an innocent person who merely stated the correct legal procedure (i.e., judicial recusal applications can only be decided by the judge who is invited to recuse himself and not by HMTCS staff), the matter is quite serious. Equally serious would be if your order were a deflection strategy to avoid addressing the grounds of my recusal application of 4 March 2024. In such cases, you have misused and subverted the EAT's procedures and appeal requirements to retaliate against a person who had complained about falsehoods and the distortion of the truth in your previous decision. On this point, I would like to draw to your attention the 'Koro' judgment ([2024] EWCA Civ 94) and the case law stated there by the Lord Justices about fundamental procedural irregularities and their impact on fundamental rights.

Accordingly, as I could never lodge an appeal against your order to the Court of Appeal since I never wrote an appeal to include in an appeal bundle, I would like to request:

1. The unilateral withdrawal of your Order and a written apology for your error, if that was a genuine error, or for the misapplication of the EAT rules and procedures which have caused detriments. The detriments concern the deliberate fabrication of a narrative that paints a picture of an appellant misusing the legal process, making unfounded allegations, and unreasonably persisting with meritless applications.
2. Costs of a nominal sum of £ 76, which you could donate to a charity for the Palestinian people in Gaza or any other charity of your choice.

Sincerely,

Professor Dora Kostakopoulou

PS: I chose to opt for an open letter because if there is an established EAT practice of judges or HMTCS staff raising (fictitious) appeals on behalf of appellants to dismiss them and to depict appellants negatively in official EAT documents, this would represent a serious breach of judicial procedure and ethics, potentially undermining the integrity of the legal process and the public confidence in the judiciary and the administration of justice. It would transgress several legal and ethical principles, and the public must be made aware of this.

I continue to believe that no one is entitled to raise appeals on behalf of a party who never indicated that she wishes to appeal and never submitted a relevant notice of appeal to the EAT.

Therefore, the question of resources and their allocation are matters falling exclusively within the domain of the

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EAT's own agenda.

Thank you,  
Prof. Dora Kostakopoulou

Sent with [Proton Mail](#) secure email.

On Tuesday, 29 October 2024 at 15:54, LONDONEAT <londoneat@Justice.gov.uk> wrote:

Dear sir / madam,

Please see attached.

Kind regards

Jonathan Dixon

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This e-mail and any attachments is intended only for the attention of the addressee(s). Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient, please destroy all copies and inform the sender by return e-mail. Internet e-mail is not a secure medium. Any reply to this message could be intercepted and read by someone else. Please bear that in mind when deciding whether to send material in response to this message by e-mail. This e-mail (whether you are the sender or the recipient) may be monitored, recorded and retained by the Ministry of Justice. Monitoring / blocking software may be used, and e-mail content may be read at any time. You have a responsibility to ensure laws are not broken when composing or forwarding e-mails and their contents.

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EA-2023-000871-AT

**EMPLOYMENT APPEAL TRIBUNAL**

Appeal Nos EA-2023-000871-AT, EA-2023-000872-AT,  
EA-2023-000949-AT, EA-2023-000951-AT,  
EA-2023-000952-AT, EA-2023-000953-AT,  
EA-2023-000954-AT, EA-2023-001051-AT,  
EA-2023-001089-AT & EA-2023-001271-AT

**BEFORE**

**THE HONOURABLE MRS JUSTICE EADY DBE (PRESIDENT)  
IN CHAMBERS**

IN THE MATTER of Appeals under Section 21(1) of the Employment  
Tribunals Act 1996 from the decisions of an Employment Tribunal sitting at  
Midlands West and sent to the parties on 22 May 2023, 01 June 2023, 02  
June 2023, 13 June 2023 (with Written Reasons sent on 01 September  
2023 and 13 September 2023), 14 June 2023, 07 July 2023, 03 August  
2023, 08 August 2023, 22 August 2023 and 13 September 2023

**BETWEEN:**

Mrs T Kostakopoulou

Appellant

- and -

1. University of Warwick
2. Professor C Ennew
3. Professor A Sanders

Respondents

UPON consideration of the appellant's application form dated 30 October  
2024

AND UPON consideration of the files herein

AND for the reasons provided

IT IS ORDERED that the appellant's application of 30 October 2024 is  
dismissed as vexatious and totally without merit

IT IS FURTHER DIRECTED that any application for permission to appeal  
against this order should be made direct to the Court of Appeal within 21  
days of the seal date of this order.

### **Reasons**

- (1) By application notice dated 30 October 2024, the appellant requests that I review my order seal dated 29 October 2024 on the basis that (i) it was made as a result of an error on the part of the EAT, and (ii) this would be in the interests of justice.
- (2) The appellant's elaboration in support of her application makes clear that she is in fact simply repeating points she has previously made. To the extent that the appellant considers the order of 29 October 2024, it would be open to her to make an application to the Court of Appeal for permission to appeal. The review process does not provide an alternative means of challenge nor is it to be used for the making of repeated applications of a decision-maker.
- (3) As I have previously observed, the appellant's continued applications in respect of the orders or rulings made in her appeals is properly to be described as vexatious. Her conduct of litigation before the EAT takes up a disproportionate amount of the resources available (both administrative and judicial), and adversely impacts upon the ability of the EAT to deal with other appeals. This order will be referred to the EAT Registrar as part of her consideration whether there are grounds for the appellant's conduct of litigation before the EAT to now be considered by the Attorney General.

**D A T E D** 29 November 2024

**TO:** Mrs T Kostakopoulou the Appellant  
Shakespeare Martineau LLP for the Respondents

The Secretary, Central Office of Employment Tribunals, England & Wales

(Case No. 1304457/2020)