



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: A2/2019/2613 & A2/2019/2197



KOSTAKOPOULOU -v- UNIVERSITY OF WARWICK & ORS

ORDER made by the Rt. Hon. Lord Justice Dingemans

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

Decision: Permission to appeal is refused in both proposed appeals (A2/2019/2613 and A2/2019/2197)

Reasons

A2/2019/2613

The decision to stay other appeals pending a determination of another appeal which, depending on the way that appeal is decided might determine the whole action, was a case management decision. The Court of Appeal will not lightly interfere with case management decisions, because such matters are best decided by the court dealing with the matters to be managed, see generally Practice Direction 52A at paragraph 4.6. Further the decision to stay the other appeals was a reasonable exercise of the judge's discretion because the judge was entitled to find that the other appeals raised issues different from the strike out appeal.

Proper case management of claims and appeals does not infringe any relevant rights under EU law or the Human Rights Act 1998. This is because the rules ensure that hearings which are fair to both parties can be prepared and heard.

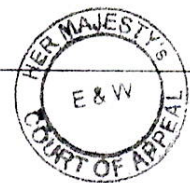
A2/2019/2197

Choudury P. was right to say that the Registrar was correct to reject a challenge to the EAT's refusal (paragraph 3 of the order of HHJ David Richardson in Chambers) to order further and better particulars from the Respondent. This is because the EAT did not have jurisdiction to hear again the rejected request. The only court with jurisdiction to hear an appeal against the refusal by the EAT to order particulars is the Court of Appeal (and there are time limits for appeals). If the application is a fresh application then the appropriate forum for the fresh application is the ET.

Choudhury P. was right to say that the Registrar was correct in stating that the EAT did not administer or regulate the posting online of ET judgments, including the judgment dated 19 November 2018.

Refusing to permit hearings before a Tribunal which does not have jurisdiction to determine the issue does not infringe any relevant rights under EU law of the Human Rights Act 1998. This is because if there are any relevant rights they can be vindicated before the proper Court or Tribunal which does have jurisdiction.

Information for or directions to the parties



Mediation: Where permission has been granted or the application adjourned:

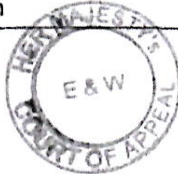
Does the case fall within the Court of Appeal Mediation Scheme (CAMS) automatic pilot categories (see below)?

Yes/No (delete as appropriate)

Pilot categories:

- | | |
|--|--|
| <ul style="list-style-type: none"> • All cases involving a litigant in person (other than immigration and family appeals) • Personal injury and clinical negligence cases; • All other professional negligence cases; | <ul style="list-style-type: none"> • Boundary disputes; • Inheritance disputes. • EAT Appeals • Residential landlord and |
|--|--|

<ul style="list-style-type: none"> • Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual; 	tenant appeals
If yes, is there any reason not to refer to CAMS mediation under the pilot?	Yes/No (delete as appropriate)
If yes, please give reason:	
<u>Non-pilot cases</u> : Do you wish to make a recommendation for mediation?	Yes/No (delete as appropriate)
Where permission has been granted, or the application adjourned	
a) time estimate (excluding judgment)	
b) any expedition	



Signed: 
Date: 10 December 2019

Notes

- (1) Rule 52.6(1) provides that permission to appeal may be given only where –
 - a) the Court considers that the appeal would have a real prospect of success; or
 - b) there is some other compelling reason why the appeal should be heard.
- (2) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).

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By the Court