

HOWARD KENNEDY

The Honourable Mr. Justice Rene Williams
Eastern Caribbean Supreme Court
Antigua and Barbuda
Second Floor, Heraldine Rock Building
Waterfront
Casteries
Saint Lucia

Our ref 061514.00004
Doc ref 66890257.4

By Email Only

E: offices@eccourts.org

Dear Judge

7 January 2026

Alkiviades Andrew David -v- Gloria Allred, Lisa Bloom, Thomas Girardi, Elizabeth Taylor, Mahim Khan, et al. Hight Court of Justice – Antigua and Barbuda
Case Number: ANUHCV2025/0149 re: Hearing on 16 January 2026

WITHOUT PREJUDICE TO JURISDICTION

1. By way of introduction, Howard Kennedy LLP ("Howard Kennedy") is a limited liability partnership incorporated in England and Wales and regulated by the Solicitors Regulatory Authority in England, details of which are set out in the footer to this letter. We operate out of a single office in London, the address of which is in the footer to this letter and only practice the law of England and Wales.
2. We act for Mahim Khan solely in relation to proceedings which were commenced in England to domesticate and enforce a U.S. judgment (details of which we set out below). We have acted for Ms. Khan in relation to the English proceedings since April 2024.
3. We write regarding the above proceedings commenced in the High Court of Justice in Antigua and Barbuda in Case Number ANUHCV2025/1049 by Mr Alkiviades David ("Mr David") against various Defendants ("Antigua Proceedings").
4. We understand that Mr. David is seeking to join Rebecca Hume, a partner with Howard Kennedy, Ajay Fournillier, an Associate with Howard Kennedy and Howard Kennedy (collectively, "Howard Kennedy") to the Antigua Proceedings. We write this letter without prejudice to Howard Kennedy's position that (a) The High Court of Justice in Antigua and Barbuda has no jurisdiction over Howard Kennedy; (b) neither Ms. Hume, Mr. Fournillier nor Howard Kennedy LLP has been validly served in respect of the Antigua Proceedings; and (c) the



Amended Statement of Claim dated 24 September 2025 ("Amended Statement of Claim") discloses no cause of action against Howard Kennedy.

5. On 28 November 2025, Mr. David emailed Howard Kennedy a copy of an order dated 29 October 2025 made by his Lordship which confirms that there is a hearing in the Antigua Court on 16 January 2026 at 09:00 hours before your Lordship in which Mr. David is required to address you in relation to jurisdiction of the court over the defendants listed in the Order (a copy of the email with the photo attachments of his Lordship's Order is enclosed). The purpose of this letter is to assist your Lordship in advance of the hearing. We do not intend to attend the hearing in person or by counsel given our position set out at paragraph 4 above, no courtesy being intended.

6. BACKGROUND

- 6.1 By way of background, Howard Kennedy LLP acts for Mahim Khan ("Ms Khan") in proceedings brought by her against Mr David in the High Court in London, in the King's Bench Division, claim number KB-2025-001991 ("English Proceedings"). Howard Kennedy LLP does not act for Ms. Khan in relation to any other proceedings as we are only licensed to practice English law.
- 6.2 The English Proceedings relate to the domestication and enforcement of a judgment obtained by Ms Khan against Mr David in the US, before the Superior Court of the State of California for the County of Los Angeles in claim number BC654017 on 21 January 2020 (as amended on 3 February 2021) ("US Judgment"). The US judgment relates to damages for the sexual harassment and battery of Ms Khan at work by Mr David. Mr. David unsuccessfully appealed the US Judgment to the US Supreme Court and therefore exhausted all rights of appeal in respect of the US Judgment.
- 6.3 On 18 July 2025, Ms. Khan successfully obtained judgment in default against Mr. David in the English Proceedings, despite Mr. David having participated in the English Proceedings in respect of injunction and receivership orders obtained against his assets in England and Wales as well as contempt proceedings in which he was found to be in contempt of court. For your Lordship's information, we enclose copies of the following documents in the English Proceedings:

- 6.3.1 Claim Form dated 15 May 2025
- 6.3.2 Particulars of Claim dated 15 May 2025; and
- 6.3.3 Judgment (in default) dated 18 July 2025.

7. DISPUTE REGARDING JURISDICTION OF THE COURT AND INVALID SERVICE

- 7.1 On 16 October 2025, we received at the offices of Howard Kennedy LLP, No. 1 London Bridge, London, SE1 9BG, by post, three envelopes. Each envelope enclosed a copy of the Amended Statement of Claim, each of which is marked for the attention of each of Howard Kennedy LLP, Ms. Hume and Mr. Fournillier (i.e. one for each of them). Copies of the documents received are enclosed with this letter.
- 7.2 The copy of the Amended Statement of Claim was not accompanied by a covering letter explaining what the documents were, what they relate to or why they were being sent to Howard Kennedy. There was no claim form issued pursuant to Rule 8.1 of the Eastern Caribbean Civil Procedure Rules Revised Edition 2023 ("CPR") or a defence form, acknowledgement of

service, prescribed notes for the defendants or as we understand the matter was filed electronically on the Electronic Litigation Portal, the authorisation code form required to be served under part 5A which we understand are required to be served pursuant to CPR 8.15 if service is to be validly effected.

7.3 In the circumstances, without prejudice to the fact that Howard Kennedy does not accept the Antigua and Barbuda High Court has any jurisdiction over them, we do not accept that the Antigua Proceedings have been validly served by Mr. David.

7.3.1 Service was not effected personally on Ms. Hume, Mr. Fournillier or Howard Kennedy LLP pursuant to CPR 7.9.

7.3.2 Mr. David seeks to assert that he has personally served Mr. Fournillier, Ms. Hume and Howard Kennedy LLP and produced a certificate of service purported to be signed by a process server, namely Mr Mark Walsh of Kent Legal dated 8 October 2025 (copy enclosed), the veracity of which is questionable because:

- (a) The document purports to contain a digital signature. There is no digital signature; the document includes the Process Server's name (Mark Walsh) typed out electronically.
- (b) The certificate of service does not appear to comply with CPR 7.6 which requires the certificate to be signed by Mr. David as the Claimant and the information set out in CPR7.6 (a) to (d) inclusive to be included.
- (c) The CPR provides that an affidavit of service be sworn. Despite requesting a copy of the affidavit of service from Mr. David, none has been produced which is unsurprising as none of Mr. Fournillier, Ms. Hume and Howard Kennedy LLP have been personally served.
- (d) Kent Legal has been unable to confirm that Mr Walsh personally served any of Mr. Fournillier, Ms Hume or Howard Kennedy LLP at the offices of Howard Kennedy LLP. Kent Legal has only been able to evidence delivery of the envelopes enclosing the Amended Statement of Claim by post, which is consistent with what has been received by Ms. Hume, Mr. Fournillier and Howard Kennedy LLP by post. We enclose copies of their evidence, including copies of the Royal Mail delivery tracking which we obtained from the Royal Mail, which shows that the envelopes were received by post by Recorded Delivery.

7.4 On inspection, we note that under the heading "*Annex A- Schedule of Defendants*", in the Amended Statement of Claim the list of defendants does not include Howard Kennedy.

7.5 We confirm that none of Ms. Hume, Mr. Fournillier or Howard Kennedy LLP submit to the jurisdiction of Antigua and Barbuda, nor are they required to do so.

7.6 As referred to above, Howard Kennedy is a regulated English law firm practising in London only. It does not have offices in Antigua and Barbuda or anywhere else in the UK or the world. It only practices English law.

7.7 As regards Ms. Hume and Mr. Fournillier, they are regulated English solicitors (attorneys) and at all material times practice the law of England and Wales out of Howard Kennedy LLP's offices in London.

7.8 The Amended Statement of Claim does not list Ms. Hume, Mr. Fournillier or Howard Kennedy LLP as defendants and does not set out any cause of action against any of them. Further it does not disclose any cause of action in relation to those proceedings specified in CPR 7.3.

7.9 The extent of Howard Kennedy LLP's involvement (and that of Ms. Hume and Mr. Fournillier) with Mr. David is limited to them being the law firm of record in the English Proceedings referred to at paragraph 6 above. Prior to being instructed on behalf of Ms. Khan to commence the English Proceedings none of them had had any involvement with Mr. David.

7.10 In all the circumstances, we do not accept that:

- 7.10.1 the High Court of Antigua and Barbuda has jurisdiction over any of Ms. Hume, Mr. Fournillier or Howard Kennedy LLP;
- 7.10.2 without prejudice to our position at 7.10.1 above service of the Antigua Proceedings has been validly effected; and
- 7.10.3 the Amended Statement of Claim discloses any reasonable cause of action against Ms. Hume, Mr. Fournillier or Howard Kennedy LLP who are not named parties to the Antigua Proceedings or which is a specified cause of action over which the High Court of Antigua and Barbuda would have jurisdiction in any event.

8. NEXT STEPS

8.1 We confirm that we do not intend to participate in or attend the hearing on 16 January 2026 for the reasons set out above, no courtesy being intended.

8.2 Please do not hesitate to let us know if we can be of any further assistance to his Lordship. Any correspondence from his Lordship in connection with this letter may be sent to the following email addresses:

Rebecca.Hume@howardkennedy.com;
Ajay.Fournillier@howardkennedy.com; and
Boniswa.Dzere@howardkennedy.com

8.3 Thank you in anticipation for reading this letter.

Yours faithfully



Howard Kennedy LLP
T: +44 (0)20 3755 5639
M: +44 (0)7384 259 689
ajay.fournillier@howardkennedy.com

Encs:

1. Email from Mr. David dated 28 November 2025 with photos of his Lordship's Order dated 29 October 2025;
2. Claim Form dated 15 May 2025;
3. Particulars of Claim dated 15 May 2025;
4. Judgment (in Default) dated 18 July 2025;
5. Amended Statement of Claim and envelopes;
6. Certificate of Service dated 8 October 2025;
7. Evidence from Kent Legal re delivery of the envelopes enclosing the Amended Statement of Claim by post (i.e. item 5 above); and
8. Royal Mail delivery tracking (downloaded from the Royal Mail's website).

(Note: The above enclosures are comprised in a single bookmarked PDF)