

IN THE COURT OF APPEAL (CIVIL DIVISION)

ON APPEAL FROM THE HIGH COURT OF JUSTICE, KING'S BENCH DIVISION

BRISTOL DISTRICT REGISTRY

Underlying application: KB-2026-BRS-000052

Related: Writ of Control WC000101/2026; County Court Claim L00BP152

BETWEEN

Miss E

Appellant

- and -

MARK JOHN MAYO

Respondent

GROUND OF APPEAL

1. This is a protective appeal against the Order made by HHJ Blohm KC on 19 August 2026. The Appellant challenges the Order in its entirety, in particular paragraphs 1 to 4 and the consequential directions in paragraphs 5 to 8.
2. The appeal is advanced on the basis that the decision was wrong and/or unjust because of serious procedural irregularity within CPR 52.21(3). The filing of this appeal does not accept Bristol's case reference, its description of the application, or its decision to move the matter into the County Court proceedings.

GROUND 1 – THE WRONG PROCEEDING AND WRONG CASE REFERENCES

3. The application before HHJ Blohm KC was a separate High Court application filed on 10 April 2026 concerning Writ of Control WC000101/2026. It was accepted under its own reference, KB-2026-BRS-000052.
4. It was not the earlier appeal KA-2025-BRS-000045. That appeal concerned a different County Court costs order, had been withdrawn, and was later treated as dismissed.
5. Despite this, the Order of 19 August was issued under the old appeal reference KA-2025-BRS-000045. The Appellant had already drawn attention to that error.
6. The confusion has now increased. On 10 September 2026 Barnstaple County Court sent a new N24 version dated 8 September 2026. Its cover says "In the County Court at Barnstaple", gives claim L00BP152, and lists Mr Mayo, Miss E and Mr J as County Court parties. Inside the same document it says "IN THE HIGH COURT OF JUSTICE" and uses a further hybrid

reference, “KA 2025 BRS 0000052”. That is neither KA-2025-BRS-000045 nor KB-2026-BRS-000052.

7. The same document then sends the remaining Writ issue to a hearing in Barnstaple County Court on 9 November 2026, still reserved to HHJ Blohm KC. It also calls the enforcement instrument a “warrant of control”, although the instrument in issue is Writ of Control WC000101/2026.
8. This is not a harmless clerical error. It makes it unclear what proceeding is before the court, what jurisdiction is being exercised, where documents must be filed, and where an appeal lies. The Appellant’s separate High Court application has not been determined in the procedural form in which it was filed. This is a serious procedural irregularity.

GROUND 2 – APPARENT BIAS AND CONTINUED RESERVATION TO THE SAME JUDGE

9. The Appellant’s objection to HHJ Blohm KC was based on his previous handling of her matters, including his control of KA-2025-BRS-000045, which was not advanced for more than four months and did not even reach a decision on permission to appeal before the Appellant withdrew it as the trial approached.
10. The later Writ application was then moved into that concluded appeal reference despite the Appellant’s objections. HHJ Blohm KC thereafter refused transfer to London and reserved the next hearing to himself.
11. The Appellant did not make a standalone recusal application in the form stated in paragraph 1 of the Order. She objected to HHJ Blohm KC continuing to determine the matter and sought independent determination. The Order recast that position as an application for recusal and then refused it without reasons.
12. Taken cumulatively, the repeated recharacterisation of the Appellant’s filings, the use of incorrect references, the refusal of transfer, the refusal of the key disclosure application and the continued reservation of the matter to the same judge would cause a fair-minded and informed observer to conclude that there is a real possibility of bias. The Appellant seeks determination by a judge with no previous involvement.

GROUND 3 – FAILURE TO GIVE REASONS

13. The Order simply refuses the alleged recusal application, the transfer request and the N260 disclosure request. It gives no reasons for any of those decisions.
14. These were contested and important issues. The absence of reasons prevents the Appellant from knowing why she lost and makes effective appellate review more difficult. The duty to give

sufficient reasons is recognised in *English v Emery Reimbold & Strick Ltd* [2002] EWCA Civ 605.

GROUND 4 – REFUSAL OF N260 DISCLOSURE WAS UNFAIR AND LEFT THE CENTRAL EVIDENTIAL ISSUE UNRESOLVED

15. The N260 issue was central to the Writ application. Practice Direction 44 paragraph 9.5 requires a party seeking summary assessment to prepare a signed statement of costs, following Form N260 as closely as possible, and ordinarily to file and serve it before the hearing.
16. Mr Mayo told Master Dagnall on 10 March 2026 that the N260 had been sent by his solicitors on 17 March 2025. When Master Dagnall suggested that it be sent or re-sent to the Appellant, Mr Mayo said his solicitors could do so. It has still not been provided. Mr Cornwell has also refused to provide it.
17. The costs have nevertheless been enforced. The Appellant sought disclosure so that she could test what costs document existed, when it was created or served, and what was before HHJ Mitchell when the costs were summarily assessed.
18. HHJ Blohm KC refused that disclosure without reasons. The refusal left the Appellant unable to test the evidential basis of the enforced costs and left the main issue unresolved. In the circumstances, the refusal was wrong and/or procedurally unfair. The Appellant does not say that non-production by itself proves that the costs were invalid; she says it makes disclosure essential.

GROUND 5 – THE 8 SEPTEMBER / 10 SEPTEMBER BARNSTAPLE REISSUE COMPOUNDS THE IRREGULARITY

19. The Barnstaple N24 was dated 8 September 2026 but was sent by Barnstaple County Court on 10 September 2026, after the ordinary 21-day period from the 19 August decision had expired.
20. The new document contains three repeated copies of the Order. The accompanying address pages show copies for Seldons LLP, the Appellant and Mr J . It does not show a separate copy addressed to Mr Mayo or Ms Sandbrook. This is important because Mr Mayo had stated that he was acting in person, while Seldons LLP/Mr Cornwell were not named as parties to the Writ application.
21. The reissue therefore adds further uncertainty about the parties, representation, service, case identity and court in which the Writ application is now being treated as proceeding. It supports

the Appellant's case that the matter requires independent determination outside the Bristol/Barnstaple route.

21A. Further examination of the Barnstaple N24 compounds the irregularity. Although dated 8 September 2026 and sent on 10 September, it retains a direction requiring compliance by 4pm on 26 August 2026, a date which had already passed. It inserts Mr J as a second Defendant although the Writ of Control was against the Appellant, while omitting Ms Claire Sandbrook from the parties shown even though the Order itself requires her availability and expressly permits her to give oral evidence. It also appears to bear the same disputed form of seal already questioned in the enforcement proceedings. The Appellant does not accept this later document as curing the earlier defects. On the contrary, it further demonstrates that her separate High Court application has repeatedly been recast, moved between references and jurisdictions, and altered in its parties and procedural identity without any proper explanation.

RELIEF SOUGHT

22. Permission to appeal and an extension of time to 11 September 2026.
23. A stay of paragraph 4 of the Order, including the hearing fixed for 9 November 2026, and a stay of any enforcement under Writ of Control WC000101/2026 pending determination of this appeal or further order.
24. The Order of 19 August 2026 be set aside, or alternatively paragraphs 1 to 4 be set aside and paragraphs 5 to 8 discharged as consequential directions.
25. KB-2026-BRS-000052 be restored and treated as the separate High Court application that was actually filed.
26. The application be transferred or remitted for determination in London by a judge with no previous involvement in the matters complained of, and not reserved to HHJ Blohm KC.
27. The refusal of N260 disclosure be set aside and either (a) disclosure be ordered, including the signed statement of costs/N260 and evidence of filing and service, or (b) the disclosure application be remitted for fresh determination by the independent judge.
28. Alternatively, if the Court considers that the ordinary destination of this appeal is the High Court rather than the Court of Appeal, directions be given which preserve the filing date and place the matter before the appropriate London court; and, if appropriate, the Court consider transfer under CPR 52.23.
29. Such further directions as are necessary to identify the correct case reference and procedural status of the Writ application.

Dated: 11 September 2026

Miss E