Claim Nos. IL-2021-000019 / IL-2022-000069

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
INTELLECTUAL PROPERTY LIST (CHD)
Before: Mr Justice Mellor

BETWEEN:

CRYPTO OPEN PATENT ALLIANCE

Claimant

-and-

DR CRAIG STEVEN WRIGHT

Defendant

BETWEEN:

DR CRAIG STEVEN WRIGHT

Claimant

-and-

"BTC CORE" and others

Defendants

SKELETON ARGUMENT OF CRYPTO OPEN PATENT ALLIANCE AND SQUAREUP EUROPE LIMITED FOR CIVIL RESTRAINT ORDER APPLICATION (FLOATING 5-7 MARCH 2025)

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*References take the form: **[Bundle / Tab / Page]**.*

The parties are re-using bundles prepared for hearings in November / December 2024.

The main application bundles containing the applications and exhibits are Bundles F1 to F8.

Dr Wright's reply evidence and exhibits are in Bundle E.

Bundle F9 is an updating bundle with material produced since November 2024.

A suggested pre-reading list is at Appendix 1 (at the end of this Skeleton Argument).

JONATHAN HOUGH KC, 4 New Square

JONATHAN MOSS, Hogarth Chambers

Instructed by Bird & Bird LLP

28 February 2025

Introduction

1. Crypto Open Patent Alliance ("**COPA**"), the Claimant in the COPA Claim (IL-2021-000019), and SquareUp Europe Ltd ("**SquareUp**"), a Defendant in the BTC Core Claim (IL-2022-000069), apply for a General Civil Restraint Order ("**GCRO**") against Dr Wright. In the alternative, they seek an Extended Civil Restraint Order ("**ECRO**").[1] As explained below, they also ask the Court to exercise its power to refer Dr Wright to the Attorney General for consideration of a civil proceedings order (the modern equivalent of the vexatious litigant order). Finally, they ask the Court to vary one of the provisions of the injunctive order made on 16 July 2024 so that it aligns with the timing of the proposed CRO. COPA put Dr Wright on notice of the latter two requests by letter of 20 February 2025 **[F9/93/1280]**.

2. As this Court is well aware, Dr Wright has persistently brought claims and issued applications which are totally without merit ("**TWM**"). His conduct clearly satisfies the threshold conditions in CPR Practice Direction 3C and amply justifies an order being imposed. First, Dr Wright has brought a large number of baseless legal actions, founded on lies and backed up with copious forgeries. Secondly, in those actions he has claimed huge sums against a large number of individuals and companies, causing them serious distress, inconvenience and cost. Thirdly, his actions have taken up very significant court resources, running to nearly 100 court days in this jurisdiction (excluding judicial time out of court). Fourthly, the undisputed consequence of his claims has been significant disruption to innovation in an important industry, as Dr Wright (and his backer, Mr Ayre) plainly intended. Fifthly, this was all done for personal financial gain and aggrandisement. Sixthly, he has shown no contrition or respect for court orders. Seventhly, there is a clear and serious risk of him repeating his campaign of litigation in one form or another.

3. It is important to stress that Dr Wright's claims have been particularly difficult for ordinary litigants to address with the conventional case management tools, such as early strike-out and summary judgment applications. This is largely because they have been founded on such elaborate tissues of lies and so many forged documents. He has shown

[1] For the sake of simplicity, this skeleton will generally refer to the application as one by COPA, but there are applications by both COPA and SquareUp. Similarly, references to "CROs" encompass both GCROs and ECROs. The skeleton explains in detail below why a GCRO is justified.

himself to be unconstrained by the ethics of proper conduct before the courts. Since he has been representing himself, he has felt free to invent judgments, misrepresent events at previous hearings and ignore court orders.

4. If the Court grants a CRO, then this will provide meaningful added protection for Dr Wright's potential targets, over and above that afforded by the important injunctive orders of July 2024. The protective effect of a CRO would not depend upon COPA, its Represented Parties or the Developers taking action to enforce one of the court's injunctive orders by contempt and/or strike-out applications. A CRO would subject Dr Wright's actions to a justified filter, without other parties having to go to the expense of making heavy applications.

5. As COPA pointed out at the relief hearing in June 2024, the CRO regime dovetails with and complements the power of the court to grant appropriate injunctive relief. So, whilst the injunctive orders have the benefits that they are perpetual and worldwide, they are narrower in scope than either a GCRO or ECRO would be. They also require either COPA, the Developers or a Represented Party to enforce them. As is evident from the recent contempt hearings, doing so is expensive and time consuming, both for the parties and for the court. Accordingly, the order sought by these applications would complement the protection afforded by the injunctions.

6. COPA seeks a GCRO because Dr Wright's concocted lawsuits know few bounds. Again and again, he shown a determination to terrorise his perceived adversaries by a wide range of types of legal claim, including claims that would not be covered by an ECRO. Furthermore, he has repeatedly demonstrated a desire to circumvent orders, most recently in the contempt proceedings, where the court saw that he had intentionally breached the injunctions, then failed to comply with a requirement for personal attendance and lied about the reasons for his absence. By the same token, he would very likely seek to circumvent an ECRO.

7. This skeleton addresses the following topics: (A) the relevant background and procedural history; (B) legal principles governing CROs; (C) submissions in support of a CRO being granted; (D) the request for referral to the Attorney General; and (E) the request for variation of the July 2024 order.

A. Background and Procedural History

8. Whilst the Court is aware of the background to the applications, this section puts in one place an overview of key aspects of the evidence relied upon by COPA and SquareUp. Sherrell 23 **[F1/7/28]** and its exhibits provide the principal evidence for these applications.

9. The summary below begins with an overview of the litigation which this Court has overseen, from the start of the COPA Claim to the finding of contempt at the end of last year. It then addresses the various other pieces of litigation in which Dr Wright has been involved over the years. As set out in Section B below, the case law demonstrates that the Court considering a CRO application is entitled to have regard to the person's conduct of litigation generally (including in other jurisdictions).

Dr Wright's claim to have created Bitcoin and the principal litigation

10. Since late 2015 or early 2016, Dr Wright has made public claims to be Satoshi Nakamoto, the pseudonymous inventor of the Bitcoin system, and as such to have been author of the foundational Bitcoin White Paper and Bitcoin Code. In the following years, he began asserting intellectual property rights associated with the Bitcoin system, including (a) copyright in the Bitcoin White Paper and Bitcoin file format; (b) database rights in the Bitcoin blockchain; and (c) rights in passing off, founded on goodwill in the trade designations "Bitcoin" and "BTC". He made those claims on the grounds that he had invented the Bitcoin system and/or that he had been involved in developing it from its earliest days.

11. After a staged public revelation of his claims to have invented Bitcoin failed in mid-2016, Dr Wright adopted the strategy of seeking to vindicate his claims by bringing defamation actions against online commentators who denied that he was Satoshi. That was the start of him seeking to use the English legal system as a weapon against his adversaries and as a means of establishing his claim to have invented Bitcoin. As the Court is aware, Dr Wright had substantial financial backing from the start of his campaign, and his defamation claims were deliberately unequal battles. In the words of a later judgment of

this Court, they put Mr McCormack and Mr Granath in particular through "*five years of personal hell*".[2]

12. Dr Wright then began threatening legal proceedings to assert various intellectual property rights which he claimed to own, including accusing COPA members of infringing his copyright by hosting the Bitcoin White Paper.

13. COPA brought the COPA Claim in 2021, seeking negative declarations and injunctive relief, because of the threats Dr Wright had made against its members and because those threats were having a serious chilling effect on development and innovation in the cryptocurrency industry. The Court later accepted the evidence of Steve Lee of COPA as to that chilling effect.

14. After the COPA Claim had been issued, Dr Wright reacted by issuing three other sets of proceedings: (i) *Wright v BTC Core*: IL-2022-000069 (the BTC Core Claim); (ii) *Wright v Payward, Inc*: IL-2022-000036 ("**the Kraken Claim**"); and (iii) *Wright v Coinbase Global, Inc*: IL-2022-000035 ("**the Coinbase Claim**"). In the BTC Core Claim, Dr Wright asserted ownership of database rights in the Bitcoin Blockchain and copyright in the Bitcoin File Format and White Paper, and alleged infringement of those rights. He also initially made a passing-off claim in relation to the designations "Bitcoin" and "BTC", although that was later dropped. In both the Kraken Claim and the Coinbase Claim, Dr Wright claimed passing-off based on goodwill he claimed to have acquired as a result of both his alleged creation of the Bitcoin system and also his alleged subsequent commercial exploitation and development work.

15. The BTC Core Claim was brought against 26 defendants, including one fictitious partnership ("BTC Core"), 14 individuals, 10 companies and COPA. The statements of value in each of the BTC Core Claim, the Kraken Claim and the Coinbase Claim put Dr Wright's claims as being worth "*in the hundreds of billions of pounds*".

16. On 21 July 2023, the Court ordered a joint trial (the "**Joint Trial**") to determine whether Dr Wright was the person who created Bitcoin. The trial was to serve as the main trial in the COPA Claim, and as a preliminary issue trial in the BTC Core Claim. The Kraken

[2] See relief judgment ([2024] EWHC 1809 (Ch)) at [99] **[F9/84/158]**.

and Coinbase Claims were stayed, with the parties agreeing to be bound by the result of the Joint Trial.

17. At the end of the Joint Trial in February / March 2024, the Court held and declared on "*overwhelming evidence*" that Dr Wright was not Satoshi Nakamoto and had not been responsible for the creation of Bitcoin. An initial declaratory order was made, while further relief was left over for consideration after judgment: see order at **[F1/10/125]**.

18. The Court produced its encyclopaedic judgment on 20 May 2024 ([2024] EWHC 1198(Ch)) **[D/18/475]**, finding that Dr Wright's claim to have invented Bitcoin was a complete fabrication, his "b*iggest lie*" which he had supported with innumerable other lies and hundreds of elaborately forged documents. The Court observed that his claims to have been involved in very early mining of Bitcoin did not ring true.[3] It found that Dr Wright had called others to lie for him, notably Stefan Matthews and Robert Jenkins.

19. Following that judgment, Dr Wright abandoned the BTC Core Claim, Kraken Claim and Coinbase Claim. The former two claims were dismissed, while the latter was discontinued. He took those steps although the Joint Trial had only been a trial of a preliminary issue in those other cases and although some of his claims to intellectual property rights had been based in part on assertions of investment and development after the creation of Bitcoin.

<u>The relief hearing of June 2024 and the order of July 2024</u>

20. Following the Joint Trial, the Court held a substantial hearing on relief. In its skeleton argument for that hearing, COPA explained why a series of anti-suit injunctions and associated orders were justified. The skeleton also noted that Dr Wright's various baseless sets of proceedings could properly justify a GCRO or ECRO being made against him, and it specifically reserved COPA's right to apply for such an order. COPA pointed out in the skeleton that the injunctions it was seeking would have effects distinct from those of a CRO: see Sherrell 23, para. 6 **[F1/7/30]**.

21. After that hearing, the Court issued a detailed judgment on relief ([2024] EWHC 1809 (Ch) **[F9/84/128]**) and made an order granting a series of injunctions against Dr Wright and his companies: **[F9/84/121]**. These included (a) at para. 1, anti-suit orders

[3] See main judgment, at [705] **[D/18/652]**.

prohibiting them from commencing or procuring the commencement of proceedings of various kinds ("**Precluded Proceedings**"); (b) at para. 2, an order prohibiting them from threatening that Precluded Proceedings would be pursued; and (c) at para. 5, a publication order requiring Dr Wright to publish notice of the Court's findings.

22. At the relief hearing, Dr Wright did not take issue with the scope of the anti-suit orders (i.e. the scope of Precluded Proceedings). Instead, his counsel specifically told the Court that Dr Wright and his companies had no intention of threatening or bringing further proceedings within the scope of Precluded Proceedings.[4]

23. At that hearing, Dr Wright argued that the appropriate regime for addressing vexatious litigation as COPA was alleging against him was the CRO regime: see Sherrell 23, para. 7 **[F1/7/31]**. In response, as noted above, COPA made it clear at that stage that the injunctive relief sought would work in parallel with the CRO regime and reserved its right to seek a CRO in future.

24. It was no doubt with an eye to a possible future CRO application that the Court at that hearing also carefully considered submissions on whether Dr Wright's claims were to be certified as TWM. In the relief judgment, the Court concluded that the BTC Core Claim, Kraken Claim and Coinbase Claim were all TWM: see Sherrell 23, para. 8 **[F1/7/31]**. It also certified as TWM another claim which Dr Wright had brought through a company, Tulip Trading Ltd, seeking orders that Bitcoin developers create a hard fork in the blockchain to restore to him a large quantity of Bitcoin which he claimed had been stolen from him by hackers. Finally, the Court recorded that Dr Wright's defence of the COPA Claim had also been TWM.

Dr Wright's application for permission to appeal

25. On 9 August 2024, Dr Wright filed an Appellant's Notice with the Court of Appeal seeking permission to appeal **[F2/26/4]**. With it, he filed an 89-page set of grounds **[F2/26/475]** and a 413-page skeleton **[F2/26/30]**. Dr Wright was now representing himself and acting without the restraint of lawyers and their professional ethics. His appeal documents were highly verbose and repetitious, bearing signs of creation by Chat GPT, and the skeleton was not aligned with the grounds. This required the Civil Appeals

[4] See transcript for 7 June 2024, p69 line 24 to p70 line 18 **[F9/84/210]**.

Office to direct Dr Wright to produce more concise documents,[5] with the result that the respondents had to rework their responsive documents.

26. Of greater concern, Dr Wright's documents contained numerous false references to authority[6] and a series of lies about the underlying proceedings. For example, they falsely asserted that the Court had failed to follow the recommendations of autism experts in adopting special measures for Dr Wright's evidence; that the Court had refused an application to admit expert evidence from Dr Bryant; and that the Court had placed reliance on evidence of some individuals (such as Jameson Lopp) who had not given evidence at all. Dr Wright's appeal documents also included allegations of apparent bias against Mellor J. Alongside his application for permission to appeal, Dr Wright deluged the Civil Appeals Office with applications to admit fresh evidence, all of which had to be considered and addressed by COPA and the Developers.

27. By an order of 28 November 2024 **[F9/80/48]**, Arnold LJ refused permission to appeal and certified the application as TWM, observing that "*the appeals have no prospect of success whatever and there is no other reason to hear them*." In his reasons, Arnold LJ remarked on the many falsehoods in Dr Wright's appeal documents and he rejected the allegations of judicial bias. He dismissed the various applications to admit fresh evidence in similarly trenchant terms. The order of Arnold LJ set out the correct procedural position that Dr Wright could not seek further to appeal the decision made.

28. On 6 January 2025, Dr Wright sent to Bird & Bird a Petition for permission to appeal to the Supreme Court.[7] It appeared that this had been filed on 19 December 2024. For good order, Bird & Bird wrote to the Supreme Court Registry immediately, attaching the order of Arnold LJ and explaining that the Court of Appeal had refused permission to appeal.[8] Since Dr Wright has no avenue of appeal to the Supreme Court, COPA has not filed any submissions in response, as to do so would only waste costs and court time. No further direction has been given by the Supreme Court, and nothing has been issued or served. It should be noted that these documents, which again bore the stamp of having been

[5] See order at **[F2/27/565]**.
[6] See Sherrell 23, para. 32 **[F1/7/37]**.
[7] For the email, see **[F9/78/45]**. The attachments were: Petition document **[F9/69/7]**; UKSC Form 1 **[F9/70/15]**; Chronology **[F9/71/27]**; Issues document **[F9/72/29]**; Narrative document **[F9/73/31]**; Grounds document **[F9/74/34]**; Reasons document **[F9/75/38]**; Statutory Framework document **[F9/76/41]**; and Treatment of Issues document **[F9/77/43]**.
[8] See letter of 6 January 2025 at **[F9/79/47]**.

written using an AI engine, contained a series of falsehoods, including (a) that the High Court had failed to account for Dr Wright's autism condition; (b) that COPA's expert witnesses had been biased due to financial interests; and (c) that the Court had reversed the burden of proof and/or applied the criminal standard of proof.

The New Claim and the contempt application

29. On 10 October 2024, Dr Wright issued under claim no BL-2024-001495 a further claim (the "**New Claim**"), naming as defendants (i) "BTC Core" (which at least at first appeared to be the same fictitious partnership targeted by the original BTC Core Claim) and (ii) SquareUp Europe Ltd ("**SquareUp**"): see Claim Form at **[F9/84/436]**. In the New Claim, Dr Wright claimed over £900 billion based on asserted intellectual property rights relating to the Bitcoin system. COPA's solicitors quickly notified Dr Wright that it considered that he was in breach of the Order and invited him to withdraw the New Claim: **[F9/84/111]**. He refused to do so: **[F9/84/114]**.

30. On 23 October 2024, COPA applied to commit Dr Wright for contempt, primarily based on his having brought the New Claim in breach of the anti-suit injunctions in the Order. In response, Dr Wright issued a whole series of applications (summarised in para 48 of Sherrell 23 **[F1/7/47]**). These included:

    30.1. An application seeking an order for all hearings in the New Claim to be heard remotely, which ran to 185 pages **[F6/54/453]**.

    30.2. An application proposing that various third parties be added to provide evidence for Dr Wright as interveners, which ran to 30 pages **[F6/55/638]**.

    30.3. An application proposing that a "Schedule of Partners" be introduced into the New Claim to identify supposed members of the "BTC Core partnership". This ran to 22 pages and identified 122 corporate entities. The effect of this application was to allege that over 100 companies and a group of Bitcoin developers were partners of "BTC Core" and so defendants to the New Claim. These included those targeted by the original BTC Core Claim, as well as many more. Many of those companies and individuals had not been served and were resident outside the jurisdiction **[F6/56/668]**.

30.4. An application responding to COPA seeking a stay, which was unnecessary and totalled 224 pages **[F/57/4]**.

30.5. An application to amend the Particulars of Claim in the New Claim, totalling 89 pages **[F7/58/228]**.

31. The above applications were all issued across 23 to 25 October 2024, save for the last one, which was issued on 4 November 2024. As had become usual for Dr Wright, much of what was generated had the hallmarks of Chat GPT or a similar AI engine.

32. Having read the various applications, the court directed a CMC on 1 November 2024. At that hearing, directions were given which included the listing of a further directions hearing and a substantive contempt hearing, as well as a stay of the New Claim. The application to amend the Particulars of Claim, filed on 4 November 2024, was issued by Dr Wright directly after the New Claim had been stayed.

33. Since he has been representing himself, Dr Wright's habit when issuing applications has been that he does not serve them at the point of filing. In keeping with that practice, he did not serve the amendment application of 4 November 2024, and Bird & Bird found it on the CE-file by chance: see Sherrell 23, para. 50 **[F1/7/48]**.

34. On 6 November 2024, Bird & Bird wrote to Dr Wright, pointing out that he should not be issuing applications in a stayed claim **[A/32/903]**. Dr Wright replied, seeking to defend his conduct on the basis that he had issued but not served the application **[A/33/905]**. COPA's solicitors wrote a letter in response in which they asked him to explain a recent threatening post on X (Twitter), which gave them concern that he planned to issue further Precluded Proceedings **[A/34/906]**. In reply, Dr Wright suggested that he planned a claim against Microsoft in relation to supposed proceeds of crime **[A/36/916]**.

35. On 8 November 2024, COPA discovered that a website had been set up to encourage supporters of Dr Wright to issue applications to be joined as additional claimants in the New Claim. This was at the following page: https://metanet.icu/witness-statement/ (the "**Metanet Page**"). The Metanet Page contained pro-forma documents (application notices and witness statements), and it stated that Dr Wright would be covering applicants' costs and could provide legal counsel.

36. Dr Wright later sought to distance himself from the Metanet Page and the "*people*" responsible for setting up that page. In his Submission dated 22 November 2024 at p31, he claimed that COPA "*falsely attribute[d]*" the page to him **[E/1/34]**. The Court will recall that, at the hearing on 27 November 2024, Dr Wright repeated that point (transcript, p41-42 **[A/41/958]**).

37. Following those events, COPA and SquareUp issued their applications for a CRO on 21 November 2024. As explained at the CMC on 1 November 2024, their intention had previously been to issue such applications after the end of the contempt proceedings, but they had reserved the right to issue them sooner depending on Dr Wright's actions. The fact that Dr Wright then ignored the stay and apparently supported an initiative to drag numerous further individuals into the New Claim persuaded COPA and SquareUp that their CRO applications had to be pursued without delay.

38. On 27 November 2024, the Court held its directions hearing for the contempt application. At that hearing, Dr Wright was ordered to attend the contempt hearing in person. The Court gave reasons for its directions, in particular for its decision to require personal attendance by Dr Wright, in a judgment handed down on 6 December 2024: [2024] EWHC 3135 (Ch) **[D/21/866]**. In that judgment, the Court also addressed and rejected an allegation of judicial bias which Dr Wright had made in a Submission of 22 November 2024 and which was essentially the same as that previously put to the Court of Appeal.

39. COPA filed Sherrell Affidavit 3 on 4 December 2024, providing an update on events since the contempt application had been filed. On 11 December 2024, Dr Wright made what he presented as a filing of evidence in response to Sherrell Affidavit 3. However, this was in substance a request for Mellor J to recuse himself on grounds of judicial bias **[A/42/972]**, supported by an affidavit of Gavin Mehl **[B/15/283]**. As COPA's solicitors pointed out in a letter of 12 December 2024 **[A/45/980]**, this was not in fact responsive evidence and was not an application in proper form, but more importantly it simply repeated the allegations of apparent bias which Mellor J had rejected in the judgment of 6 December 2024 (and which by this stage Arnold LJ had also rejected in his order).

40. At the hearing on 18/19 December 2024, Dr Wright was found to have committed contempt of court on each of Grounds 1 to 5 alleged by COPA, in that he had breached injunctions in the order of 16 July 2024 by threatening to bring and then issuing the New

Claim: see contempt liability judgment at [2024] EWHC 3315 (Ch) **[F9/81/51]**. He was given a one-year prison sentence, suspended for two years, and in addition the Court of its own motion struck out the New Claim as being an abuse of the process: see contempt sentencing judgment at [2024] EWHC 3316 (Ch) **[F9/82/85]**.

41. In the latter judgment, the Court stressed that Dr Wright had expressed no remorse and had continued to pursue arguments which could only be described as legal nonsense (para. 73 **[F9/82/102]**). The Court specifically endorsed COPA's submissions that (a) Dr Wright had either intended to breach the injunctions or had at least been reckless as to breaching them; and (b) it was simply too important to him to maintain for his supporters the posture that he would be "*unstoppable*" and "*fight like hell*" (see para. 73 **[F9/82/102]**, endorsing the submissions summarised at paras. 27-28 **[F9/83/93]**). Those points have obvious significance for the present applications.

Dr Wright's other litigation

42. As this Court is well aware, Dr Wright is a serial litigant both in this jurisdiction and in others. His other cases are outlined in Sherrell 23 from para. 12 **[F/1/32]**. In summary, these include:

    42.1. The Kleiman Proceedings (USA): This was a claim arising from Dr Wright's having told the family of his deceased friend, David Kleiman, that he had created Bitcoin in concert with Mr Kleiman. That, of course, was a position he denied in the Joint Trial in these proceedings. In any event, Dr Wright's accounts to the Kleiman family led to their bringing a range of claims against him. Following a trial in November / December 2021, the jury found Dr Wright liable to the company W&K Information Defense Research LLC for conversion of intellectual property and awarded damages of US$100 million against him, a sum which remains unpaid. Although the court in that case did not have to decide whether Dr Wright had been Satoshi, it is clear from this Court's findings that Dr Wright gave extensive dishonest evidence before the jury in Florida. In addition, at an interlocutory stage of the US proceedings Judge Reinhart found substantial evidence that Dr Wright had lied and produced forged documents in relation to his supposed Bitcoin holdings and addresses.

42.2. The McCormack Proceedings (UK): These were defamation proceedings which Dr Wright brought in 2019 against Peter McCormack, an online commentator, for having published statements that Dr Wright's claim to be Satoshi was dishonest. Mr McCormack originally intended to advance a defence of truth, but later could not maintain it because of cost considerations. At trial, the issue concerned the harm Dr Wright had supposedly suffered, and in that regard Chamberlain J held that Dr Wright had concocted a series of dishonest accounts about supposed loss of conference engagements. As a result, the judge awarded only nominal damages. Following trial, the judge referred Dr Wright for contempt proceedings for breach of a judgment embargo, proceedings which Dr Wright evaded by disputing his responsibility for an account put in by his lawyers.[9] After the Joint Trial in these proceedings, Mr McCormack applied for additional costs as a result of Dr Wright's claim being fundamentally fraudulent, and the Court made a worldwide freezing order (see [2024] EWHC 1735 (KB)). COPA understands that the litigation has now been settled. It follows from the Court's findings in this case that Dr Wright's claim against Mr McCormack was TWM.

42.3. The Buterin Proceedings (UK): In April 2019, Dr Wright brought a defamation claim against Vitalik Buterin, the well-known inventor of the Ethereum cryptocurrency and founder of Bitcoin magazine. The claim is understood to have been abandoned.

42.4. The Roger Ver Proceedings (UK): In May 2019, Dr Wright issued defamation proceedings against Mr Ver (a longstanding Bitcoin developer and promoter) for having stated that Dr Wright's claim to be Satoshi Nakamoto was dishonest. The claim was dismissed on jurisdictional grounds. It follows from the Court's findings in this case that it was TWM as a matter of substance.

42.5. The Roger Ver Proceedings (Antigua and Barbuda): In 2020, Dr Wright brought equivalent defamation proceedings against Mr Ver in Antigua and Barbuda. The Court's conclusion in this case means that this claim was also baseless.

[9] See *Wright v McCormack* [2023] EWHC 1030 (KB) **[F9/84/371]**.

42.6. The Adam Back Proceedings (UK): In June 2019, Dr Wright filed defamation proceedings in the UK against Dr Back, who (as the Court knows) is a well-known computer scientist and was Satoshi's first known correspondent. COPA understands that the proceedings were discontinued.

42.7. The Granath Proceedings (Norway): In March 2019, Dr Wright threatened the online commentator, Magnus Granath, with defamation proceedings on the basis of Mr Granath having described Dr Wright's claim to be Satoshi as dishonest. In May 2019, Mr Granath issued declaratory proceedings in Norway that he was not liable to Dr Wright. Those proceedings went to trial in Oslo in late 2022, with the Court concluding that Mr Granath had no liability. In those proceedings, Dr Wright relied upon a number of the documents this Court has found to be forged and gave evidence this Court has found to be dishonest. Based on this Court's findings in the Joint Trial, Dr Wright's defence of the Granath proceedings in Norway was without any foundation.

42.8. The Granath Proceedings (UK): In June 2019, Dr Wright issued defamation proceedings against Mr Granath in the UK. This gave rise to a jurisdictional dispute, which went to the Court of Appeal, followed by a contested summary judgment application on the issue of serious harm. The proceedings took up considerable court time in the UK and were abandoned by Dr Wright after the Joint Trial judgment in this case. It follows from the finding in that judgment that Dr Wright's claim was TWM.

42.9. The Tulip Trading Proceedings (UK): In 2022, Tulip Trading Ltd, a company beneficially owned by Dr Wright and his family, brought a claim alleging that it had lost the ability to access Bitcoin worth US$4.5 billion as a result of hackers having stolen private keys from Dr Wright's computer and then deleted them. It brought the claim against the Bitcoin Association for BSV (a Swiss Verein) and 15 Bitcoin developers, seeking orders that they re-write or amend the underlying code so as to enable them to access the allegedly stolen Bitcoin. As will be recalled, there were many indications that the allegations of Bitcoin ownership were dishonest, and a number of the forged documents deployed by Dr Wright in these proceedings were also deployed in the Tulip Trading proceedings. Dr Wright caused those proceedings to be discontinued in April 2024, and this Court

later certified the claim as TWM. This claim is of particular significance to the present application, because only a GCRO (not an ECRO) would provide secure protection against a comparable claim being made in future.

42.10. The Cobra Proceedings (UK): This was a copyright infringement claim brought against the anonymous person(s) who operated the website www.bitcoin.org. Dr Wright claimed that he owned copyright in the Bitcoin White Paper and that had been infringed by the paper being hosted on the website. Because the person(s) targeted by the claim were not prepared to relinquish their anonymity, Dr Wright obtained default judgment. In its July 2024 judgment on relief, this Court set aside the default judgment as having been obtained by a fraudulent claim. It follows that this claim too was TWM.

43. Dr Wright has repeatedly used cynical tactics in his litigation, including: bringing defamation claims (where the defendant bears the burden of proving truth) against poorly-resourced opponents and deluging them with documents; bringing the Tulip Trading proceedings against a "friendly" defendant (Bitcoin Association for BSV) to obtain an uncontested judgment; bringing the Cobra claim against an anonymous operator to obtain a default judgment.

Dr Wright's applications and his propensity for not serving documents

44. As well as having issued a large number of claims which were TWM, within each set of proceedings Dr Wright has issued large numbers of applications. These included 12 applications within the COPA Claim up to and during trial, five applications within the appeal, five applications in the New Claim and seven applications in the Tulip Trading proceedings. These applications attest to Dr Wright's aggressive conduct of litigation and show how future claims by him could likewise consume substantial court resources. As well as being in support of claims which were substantively TWM, a number of these applications themselves can now be seen to have been for the purpose of deploying dishonest evidence (e.g. the application of 1 December 2023 to adduce the BDO Drive documents and the White Paper LaTeX files). See Sherrell 23, para. 38 **[F1/7/39]**.

45. As mentioned above, in recent times, Dr Wright has demonstrated a propensity for filing but not serving applications and other documents. Further details are given at Sherrell 23, para. 40 **[F1/7/42]**. This practice is of some significance for the present application,

because a CRO provides protection even where the target of a claim or application has not been properly served.

Dr Wright's threats to continue litigation after the Joint Trial

46. Dr Wright made it clear during cross-examination at the Joint Trial that he would seek to bring new types of claim if he was found not to be Satoshi Nakamoto. He said that he would want to bring an extended passing-off claim (a "*Champagne case*"), which he said would not depend on his claim to be Satoshi. He added that, if he lost the COPA Claim, he would then move on to patent litigation in the UK, EU and USA. He said that "*there are approximately 80 patent cases already in waiting*" and boasted that he would "*keep doing this, and no matter what the outcome of this [COPA] case is, I'll hit 10,000 patents and then I'll keep going*". See Sherrell 23 para 66-71 **[F1/7/57].**

47. After the Joint Trial, Dr Wright briefly faced reality by abandoning the BTC Core, Coinbase and Kraken Claims and by agreeing to the scope of the anti-suit injunctions sought. That may have been because he no longer had financial backing for those cases. However, less than three months after the injunctive orders of 16 July 2024, he threatened and then issued the New Claim in a desperate attempt to revive his campaign of hostile litigation. In the days after commencing those proceedings, he issued a series of tweets asserting his determination to fight to the end. See Sherrell 23, para. 47 **[F1/7/45].**

Recent developments

48. Over recent months, Dr Wright has made a number of other significant posts, collected in a document at **[F9/90/1253]** which include the following:

    48.1. Five sets of posts from 14 to 17 September 2024 accusing Shoosmiths of misconduct in having unspecified communications about his case with third parties. These are significant, because they reveal the possibility of Dr Wright bringing claims against his former lawyers in an effort to refight past battles while trying to circumvent the injunctions.

    48.2. Two sets of posts from 12 October 2024 in which Dr Wright published his baseless assertion of there being a BTC Core partnership which he could sue as a means of bringing numerous developers into litigation.

48.3. Two sets of posts and further messages on his Slack channel (17 to 22 October 2024) asserting the merits of the New Claim and alleging that he could seek default judgment against Bitcoin developers who he thought were partners in BTC Core.

48.4. A set of posts of 24 October 2024 about the appeal he was pursuing against the Joint Trial decision and about his intention to seek a stay of enforcement on the orders which he claimed unfairly punished him.

48.5. Two sets of posts of 7 November 2024 alleging that BTC Core developers were distorting the system and saying that "*their presence in the Bitcoin ecosystem will be eradicated*" and that they would be "*defenestrated*" from the system.

48.6. A set of posts of 13 November 2024 claiming that his lawyers at the Joint Trial had failed to consider and deploy evidence (a supposed further historical CV).

48.7. A post of 11 December 2024 alleging that lawyers in the modern world were not serving the law and that the lawyers standing against him were the "*foot soldiers of greed*".

48.8. A post of 22 December 2024 (days after the contempt judgment), responding to a post accusing him of running from the UK to avoid sentence, in which he insisted: "*Still fighting. Just, not stupid*".

48.9. A set of posts of 8 January 2025, in which he spoke grandiloquently about his mission and stated that he would "*keep coming back*".

B. Civil Restraint Orders – Legal Principles

49. Rule 3.11 of the Civil Procedure Rules 1998 and Practice Direction 3C provide for three different levels of civil restraint orders:

49.1. Limited CRO: This form of order may be granted where a party has made two or more applications which are TWM. It restrains the party subject to the order from making any further application in the proceedings in which the order is made without first obtaining the permission of the court: PD 3C, paras. 2.1-2.2.

49.2. Extended CRO: This form of order may be made where a party has persistently issued claims or made applications which are TWM. It restrains the party subject to the order from issuing claims or making applications concerning any matter "*involving or relating to or touching upon or leading to the proceedings in which the order is made*" without first obtaining the permission of the court: PD 3C, paras 3.1-3.2.

49.3. General CRO: This form of order may be made where a party has persistently issued claims or made applications which are totally without merit in circumstances where an ECRO would not be sufficient or appropriate. It restrains the party subject to the order from issuing any claim or making any application without first obtaining the permission of the court: PD 3C, paras 4.1-4.2.

An ECRO or GCRO may only be made for a period of up to three years, but it may be extended for incremental further periods of up to three years on application. For a very recent general summary of the law on CROs, see *Achille v Philip Calcutt* [2024] EWHC 2169 (KB) at [4]-[8].

50. In *Nowak v Nursing and Midwifery Council* [2013] EWHC 1932 (QB), Leggatt J gave the following explanation for the CRO regime at [58]-[59]:

> "[58]…[T]he rationale for the regime of civil restraint orders is that a litigant who makes claims or applications which have absolutely no merit harms the administration of justice by wasting the limited time and resources of the courts. Such claims and applications consume public funds and divert the courts from dealing with cases which have real merit. Litigants who repeatedly make hopeless claims or applications impose costs on others for no good purpose…
>
> [59] It is important to note that a civil restraint order does not prohibit access to the courts. It merely requires a person who has repeatedly made wholly unmeritorious claims or applications to have any new claim or application which falls within the scope of the order reviewed by a judge at the outset to determine whether it should be permitted to proceed. The purpose of a civil restraint order is simply to protect the court's process from abuse, and not to shut out claims or applications which are properly arguable."

51. When deciding whether to make a CRO and what form of order to make, there are three questions for the court: (i) whether the litigant has persistently brought claims or applications which are TWM; (ii) whether an objective assessment of the risk demonstrates that the person will issue further abusive claims or applications unless restrained; and (iii) what order is just and proportionate to address the risk identified. See

Nowak at [63]-[70]; *Camden LBC v Saint Benedict's Land Trust Ltd* [2019] EWHC 3576 (Ch) at [44].

52. An ECRO or GCRO requires as the gateway condition the individual having persistently brought claims or applications which are TWM. This requires a minimum of three such claims or applications: *CFC 26 Ltd v Brown Shipley & Co* [2017] 1 WLR 4589; *Sartipy v Tigris Industries Inc* [2019] 1 WLR 5892 at [28]. There is no limitation on the timeframe for consideration of previous TWM claims or applications: *Society of Lloyd's v Noel* [2015] 1 WLR 4393; *Saint Benedict's* at [45].

53. A claim or application will be TWM for this purpose if it has been certified as such, and such a certification is conclusive: *Crimson Flower Productions Ltd v Glass Slipper Ltd* [2020] EWHC 942 (Ch); *Achille* at [6]. However, a previous claim or application may also be considered TWM for this purpose without a certification having been made, but that requires some consideration of the underlying merits: *R (Kumar) v SSCA* [2007] 1 WLR 536 at [67]-[69].

54. Even if the minimum threshold is met, it does not necessarily satisfy the condition that the individual has "*persistently*" brought claims or applications which are TWM. That requires an evaluation of the party's overall conduct. It may be easier to decide that there has been persistence if the party seeks repeatedly to relitigate issues than if there are three or more entirely unrelated applications or claims years apart: *Sartipy* at [30]. The overriding consideration is the "*threat level*" of continued issue of TWM claims or applications: *Re Ludlam* [2009] EWHC 2067 (Ch). Thus, the "*persistence*" element is not solely concerned with the number of claims / applications deemed to be TWM, but also with their nature and substance. A series of TWM claims or applications which demonstrate determined relitigation of issues may raise the "*threat level*".

55. Only claims or applications made by the person can count towards the minimum requirement of three TWM claims / applications: *Sartipy* at [29]. However, if that threshold is met, bad conduct by a party in a capacity as defendant may be taken into account to demonstrate the necessary persistence for the purposes of seeking an ECRO and/or to demonstrate the need for a GCRO: *Sartipy* at [31].

56. The references in the rules to the target of a CRO application having brought TWM claims or applications extends to situations where the person was not the named party

but was the real party standing behind the claimant or applicant: *Sartipy* at [32]. That principle is of obvious significance to the Tulip Trading case in this matter.

57. The test for making a GCRO rather than an ECRO is that the latter form of order would be insufficient or otherwise inappropriate. In practice, a GCRO covers a situation where a litigant "*adopts a scattergun approach to litigation on a number of different grievances without necessarily exhibiting such an obsessive approach to a single topic that [an ECRO] can appropriately be made*": *Kumar* at [60].

58. The overriding test is whether a GCRO is necessary (a) to protect litigants from vexatious proceedings against them and/or (b) to protect the finite resources of the Court from vexatious waste. That test is to be applied with regard to the impact of the order on the party to be restrained. *See Chief Constable of Avon and Somerset v Gray* [2019] EWCA Civ 1675 at [14]; *El-Diwany v SRA* [2023] EWCA Civ 888 at [63]-[76].

59. In *Attorney General v Covey* [2001] EWCA Civ 254, when addressing the discretion of the Court to grant a civil proceedings order under s.42 of the Senior Courts Act 1981 (i.e. an order with similar effects to a GCRO), Lord Woolf CJ stressed the need to "*look at the whole picture*" and to consider the cumulative effect of the activities of the person "*both against the individuals drawn into the proceedings and the administration of justice generally*". To similar effect, in *Achille* at [8], Pepperall J made the general point that all the circumstances of the case must be considered when determining whether a CRO should be made, of what variant and on what terms:

> "Once the threshold question of the repeated (or for the higher level orders, the persistent) making of claims and applications which are totally without merit has been met, the court must of course consider all the circumstances in order to determine whether it should make a civil restraint order at all; whether any such order should be a limited, extended or general civil restraint order; and the terms of the order."

In the present case, this must include the overall nature and cumulative effects of Dr Wright's litigation to date, including his litigation around the world.

C. Application for a CRO – Submissions

First consideration: persistent pursuit of baseless claims / applications

60. As set out in the authorities, the first consideration for the Court is whether Dr Wright has persistently brought claims or applications which are TWM. The answer to that

question is clearly "yes".

61. Dr Wright has issued substantially more than the threshold level of three claims or applications which are TWM.

    61.1. As set out above, he has issued four sets of proceedings certified by the Court as TWM (the BTC Core Claim, the Coinbase Claim, the Kraken Claim, the Tulip Trading Claim).

    61.2. His appeal application to the Court of Appeal was likewise certified as TWM by Arnold LJ, and his application to the Supreme Court must be considered TWM (both substantively and procedurally).

    61.3. He has also issued at least four further sets of proceedings in this jurisdiction which, as submitted above, the Court can confidently say were TWM (the proceedings against Mr McCormack, Mr Granath and Cobra, as well as the New Claim).

    61.4. His defence of the COPA Claim (a claim he provoked by his threats) was certified as TWM.

    61.5. The Court can confidently say that Dr Wright's claim against Mr Ver in Antigua was without merit and that his defence of the Granath proceedings in Norway was similarly baseless.

    61.6. It is very likely that his claims against Mr Buterin and Dr Back in this jurisdiction were TWM.

    61.7. Very many of his applications in the various proceedings may also now be seen to have been TWM – see above. Even the applications which were procedurally valid were in support of substantively dishonest claims.

62. Furthermore, there are a series of features of these claims which aggravate the seriousness of Dr Wright's conduct. These sets of proceedings included: (a) claims against large numbers of individuals and companies (in some instances, without their even being named as formal parties to the proceedings); (b) claims repeatedly targeting the same individuals and companies across multiple proceedings (in particular, the

targeting of the same developers by the BTC Core Claim, the New Claim and the Tulip Trading proceedings); (c) claims with very high pleaded values, which would have been financially ruinous to their targets (Dr Wright has claimed to have issued the two largest claims ever in the English courts[10]); (d) claims targeting individuals who lacked the financial means to pay for defence of large-scale litigation; and (e) a claim against an entity he knew would not be able to defend itself without giving up its long-preserved anonymity (Cobra).

63. As noted above, and as this Court has previously observed (relief judgment at [99] **[F9/84/158]**), Dr Wright's targeting of individuals and other parties without the means or ability properly to defend themselves was "*a deliberate strategy whereby Dr Wright and his backers sought to establish [his claim to be Satoshi] by unequal contests*". Mr Ayre tellingly tweeted that the commentators Dr Wright was suing in defamation would "*bankrupt themselves trying to prove a negative*".[11] Dr Wright deliberately deployed many more reliance documents in his claim against Mr McCormack than in the COPA Claim,[12] no doubt knowing that this would impose an unsustainable financial burden. This strategy had the desired effect when Mr McCormack was forced to abandon the truth defence because he could not afford to maintain it. Similarly, Dr Wright's claim against Cobra revealed a deliberate strategy to obtain default judgment and a propaganda victory against opponents who could not engage in the proceedings to defend themselves.

64. If COPA had not pursued the COPA Claim, it is likely that Dr Wright would have continued with this strategy of suing weaker targets. He only brought his claims against more substantial companies and better-resourced individuals after the COPA Claim had been issued and apparently as a reaction to it. If COPA had not intervened, the defamation proceedings which he had issued (and potentially further similar actions) would have caused even more distress and costs to those he was targeting. The Court will no doubt recall the testimony of Mr Granath and Mr McCormack from the relief hearing about the effects of the litigation on them: see relief judgment at [99]-[102]

[10] The first was the BTC Core Claim, put at hundreds of billions of pounds, and touted by Ontier LLP on their website. The second was the New Claim, which was said to be worth £900 billion.

[11] Mr Ayre's tweet of 13 April 2019, put in evidence in the Joint Trial and cited in the relief judgment at [99] **[F9/84/158]**, boasted of the strategy: "*judge only needs one troll to pass judgment… no need to sue everyone… just waiting for a volunteer to bankrupt themselves trying to prove a negative.*"

[12] In *McCormack*, Dr Wright provided 1,618 documents positively to support his claim to be Satoshi (relief judgment at [100] **[F9/84/158]**). In the COPA Claim, his original set of reliance documents was 100 in total.

[F9/84/158]. The next time Dr Wright goes on the litigation warpath, there may not be an entity like COPA to step in and put a stop to his abusive tactics. That is one reason why a CRO will be such an important protection.

65. Whilst every application for a CRO has to be considered on its own merits, it is difficult to find a precedent in the reported cases for an abusive campaign of litigation on the scale and with the harmful consequences of that perpetrated by Dr Wright. He has issued many sets of proceedings across many jurisdictions, based on extraordinarily complex lies and forgeries, seeking to weaponise legal systems against the many he perceives as his opponents. He has yet to take no for an answer.

66. In short, Dr Wright has on any view persistently brought claims which are TWM. The complexity and scale of these claims can be gathered from the associated costs, which have been enormous. Legal costs recovered by his opponents in the litigation described above may be conservatively estimated at £10 million, a figure which of course does not include the costs spent on his own large and changing legal teams. So, while there may be some other vexatious litigants who have issued a larger number of claims or applications which have been found to be TWM, Dr Wright's conduct stands apart when one considers its scale and effects on innocent victims and the court service.

Second consideration: the risk of further baseless claims or applications

67. The second consideration for the Court requires an objective assessment of the risk of Dr Wright issuing further claims or applications which are TWM unless he is restrained by an appropriate form of CRO. This consideration also supports the making of a CRO.

68. As set out above, Dr Wright's previous conduct has involved pursuit of a large number of baseless claims over a period of years. This of itself suggests a significant risk of further abusive claims being pursued. There is no evidence that he has had a Damascene conversion and will retreat into obscurity. He has shown no remorse, and his conduct over recent months demonstrates continuing and brazen abuse of the Court's process (e.g. his repeated attempts to revive the same hopeless allegation of judicial bias and his other conduct during the contempt proceedings).

69. In addition, a review of the history tells us that Dr Wright has repeatedly returned to litigation as a means to terrorise perceived opponents, which again indicates a high level

of risk of future abusive litigation:

69.1. After his "*big reveal*" as Satoshi Nakamoto had failed, he turned to defamation claims against individuals of limited means in an effort to prove his claim.

69.2. He then turned to claims asserting intellectual property rights (initially against Cobra) and to the Tulip Trading claim.

69.3. After his loss of the Joint Trial and his forced abandonment of his intellectual property claims, he tried to recast those claims by means of the New Claim.

69.4. After his pursuit of that claim was challenged as abusive, he tried to salvage it by hopeless amendments, while he and his allies put up the Metanet Page to encourage some sort of collective action.

69.5. More recently, he has indicated an intention to bring a claim against Microsoft and hinted at potential action against his former lawyers.

In light of that history, it is impossible to say to what form of baseless claim Dr Wright may turn next. There is also no way of knowing what costs have been incurred by third parties in looking into the claims he has made and threatened to make.

70. A further point suggesting a high risk of Dr Wright issuing future meritless claims is that he has advertised his determination to fight and keep fighting, plainly in an effort to retain his position among supporters. As set out above, he boasted at the Joint Trial that he would seek to revive his passing-off claim (a threat on which he later followed through) and to continue his fight by means of myriad patents which he claims to own or control. Claims of the latter kind, presumably relating to forms of blockchain technology, would not necessarily be precluded by the COPA injunctive orders and may have a significant chilling effect on innovation in an emerging technology.

71. Not only do Dr Wright's boasts to his acolytes speak of his willingness to return to the fray; they are also likely to continue to motivate him to keep pursuing even hopeless actions, in an attempt to retain their interest and support. For example, he has posted about the Supreme Court appeal application he has issued, even though he must know from reading the order of Arnold LJ that such an application was impossible. All the evidence suggests that he is unlikely to desist from eye-catching legal actions in future,

as to do so would mean humiliation or irrelevance.

72. Finally under this heading, Dr Wright's consistent contempt for court rules and process add to the likelihood of his bringing abusive claims in future. The examples of this disrespect are too numerous to list, but they include the following:

    72.1. his persistent perjury and forgery, which was maintained in the face of the clearest evidence (often accompanied with wild allegations of hacking and conspiracies – see for instance the saga of the MYOB Ontier Email addressed in the main judgment appendix at Section 40 **[D/19/848]**);

    72.2. his willingness to cast blame wrongly on his lawyers, while using reference to privileged communications as a means of seeking to divert questioning (see main trial judgment at para. 135 **[D/18/514]**);

    72.3. the lies he told in his appeal documents about what had happened in the Joint Trial (notably in relation to the Court's supposedly having departed from the adjustments agreed for Dr Wright's ASD condition and it having supposedly rejected expert evidence applications by him);

    72.4. his citation of non-existent authorities and misrepresentation of authorities in the appeal and the New Claim (as remarked on by Arnold LJ and Mellor J), and his repeated use of AI to produce prolix documents full of legal errors (e.g. his very lengthy submissions about the doctrine of promissory estoppel which the Court correctly characterised as legal nonsense);

    72.5. his repeated and unjustified allegations of judicial bias, which he sought to resurrect through the affidavit of Mr Mehl; and

    72.6. his breaches of court orders, including most recently his failure to attend the contempt hearing (for which his excuse was implausible).

<u>Third consideration: justice and proportionality</u>

73. The third consideration for the Court is whether a CRO would be just and proportionate to address the risk posed by Dr Wright. There are a series of reasons why such an order is an appropriate response.

74. Dr Wright's actions have subjected a wide range of people and businesses to distress, inconvenience and cost. As set out above, in this jurisdiction alone his opponents have had to incur costs of at least £10 million. In addition, there has been the human cost to individuals such as Mr McCormack, Mr Granath and the Developers of being named as defendants to vast and complex claims. Absent a CRO being granted, Dr Wright will have free rein to cause distress and trouble to his perceived opponents through legal proceedings, and they in their turn will need to incur the cost of legal advice every time he does so.

75. Furthermore, Dr Wright's conduct has generally involved very large claims being pursued on the basis of diverse and/or novel legal grounds. They have often been based on elaborate factual stories and accounts which cannot be resolved by examining a limited number of documents. This approach has allowed him to defeat strike-out / summary judgment applications in cases such as the Tulip Trading proceedings and the Granath (UK) proceedings. It is likely that his approach represents a deliberate tactic of seeking to avoid early dismissal of his claims.

76. Another point relevant to justice and proportionality is that Dr Wright has repeatedly targeted the same people and businesses, compounding the harmful effects on them. His obsessive hostilities may well drive him to continue persecuting the same persons.

77. Dr Wright's action have not only affected the individuals he has sued. They have also caused significant disruption to innovation in an important technology industry, as recounted in the evidence of Steve Lee at trial (evidence which the Court fully accepted in the main judgment at [251] **[D/18/536]**). Even the prospect of having to incur the cost of taking advice and striking out claims may continue the "chilling effect". Individuals and small companies will understandably not want to run the risk of facing claims from Dr Wright (accompanied by his habitually vitriolic online abuse).

78. Dr Wright's actions have taken up far too much court time and resources already. By the end of the Joint Trial, at least 86 days in court had been taken up with Dr Wright's litigation in this jurisdiction (not including judicial pre-reading, judgment-writing, etc.). By now, the total must be approaching 100 days. This has delayed justice for other court users, as set out in Sherrell 23 at paras. 73-74 **[F1/7/58]**. A CRO will enable the court to police Dr Wright's claims by an efficient process, to prevent unnecessary use

of such resources. It is also a fair and proportionate way to ensure that the burdens of stopping his misconduct does not always fall on the same parties (such as COPA or the Developers).

79. A CRO would also materially add to, and complement, the effects of the injunctions granted in July 2024, for the following reasons:

    79.1. A CRO will protect all potential defendants against baseless claims, not only giving protection where COPA or others entitled to enforce the injunctions has the will, incentive and resources to do so.

    79.2. A CRO will save all potential targets of Dr Wright's future claims from having to incur the cost of striking them out, and will save COPA and the Developers the cost of enforcing the injunctions. Those parties may also, at some point, decide that enough money, time and resources have been expended on Dr Wright, and nobody could blame them if they did.

    79.3. A CRO will save court resources, since baseless claims can be stopped by a simpler process than full contempt proceedings and/or a contested strike-out application.

    79.4. In making a GCRO, the Court can forestall a wider range of potential baseless claims than the injunctions could capture.

80. On any view, Dr Wright is a sophisticated litigant with substantial legal experience. If he has valid claims which would not be abusive, it would not be difficult for him to explain that in an application to the court. He has also repeatedly made use of law firms of the highest calibre, showing that he can seek expert representation when he needs it. As Leggatt J pointed out in the quoted passage from the *Nowak* case above, a CRO will not deny Dr Wright access to the court.

Justification for a GCRO

81. The final question for the Court is whether a GCRO (as opposed to an ECRO) is justified in all the circumstances of this case, and in particular to serve the purposes outlined above. It is submitted that in this case, a GCRO is amply justified.

82. First, Dr Wright has demonstrated a determination to attack his perceived adversaries by a wide range of types of legal claim: defamation claims; claims asserting a diverse range of intellectual property rights (including novel rights); a claim seeking the imposition of a hard fork on the Bitcoin blockchain. There is no reason to believe that in future he would limit himself to a particular form of claim or a claim based on a particular subject-matter.

83. Second, he has also demonstrated a desire to circumvent orders, which suggests that he will cast new abusive claims in such a way as to avoid the effects of an ECRO. This propensity has been shown most clearly by his pursuit of the New Claim, his attempt to recast it by pleading amendments (during a stay of the claim) and the attempt to keep it alive by bringing in further claimants.

84. Thirdly, it is relatively easy to see how he could seek to pursue his vendettas without future abusive claims being ones which concern "*any matter involving or relating to or touching upon or leading to*" the COPA Claim or the New Claim. For instance, he might return to claiming very large sums based on supposed early bitcoin mining or based on spurious tales of thefts and hacks of his computers (a regular theme for him). He may seek to bring patent claims targeting blockchain or related technologies. He might seek to recommence baseless defamation claims, but focussing on comments made not directly connected to the COPA Claim or the New Claim – for example comments people may have made about his plagiarism. He might also seek to target his former legal teams with claims for negligence and/or breach of confidence, or other forms of claim, in an effort to promulgate the false narrative that he was betrayed or let down by them. In that regard, it should be noted that his appeal documents made the extraordinary claim that failures by his own legal team at trial had breached his ECHR article 6 rights.[13]

D. Referral of the Case to the Attorney General

85. When making a CRO, a court has a discretion to refer the case to the Attorney General so that consideration may be given to an application for a civil proceedings order under s.42(1) of the Senior Courts Act 1981: see *Sangamneheri v Chartered Institute of*

[13] See the dismissal of that suggestion by Arnold LJ at **[F9/80/50]**.

Arbitrators [2022] EWHC 886 (Comm) at [71]. COPA respectfully asks that the Court exercise that discretion and make such a referral in this case.

86. A civil proceedings order is the equivalent of the old "vexatious litigant" jurisdiction, and it is a form of order which may only be made on the application of the Attorney-General. Under s.42(1), the High Court has power to make such an order if it is "*satisfied that any person has habitually and persistently and without any reasonable ground – (a) instituted vexatious civil proceedings…; or (b) made vexatious applications in any civil proceedings...*" In *Attorney General v Barker* [2000] 1 FLR 759 at [19], Lord Bingham CJ explained the concept of "*vexatious proceedings*" as follows:

> "The hallmark of a vexatious proceeding is in my judgment that it has little or no basis in law (or at least no discernible basis); that whatever the intention of the proceeding may be, its effect is to subject the defendant to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the claimant; and that it involves an abuse of the process of the court…"

87. If the threshold condition for an order in s.42 is met, then the Court has a discretion whether to make such an order, weighing the individual's prima facie right to invoke the jurisdiction of the court against the need to protect the rights of others not to be faced with abusive and ill-founded claims: see *Attorney General v Millinder* [2021] EWHC 1865 (Admin) at [4]. As noted above, in *Attorney General v Covey*, it was emphasised that the Court had to consider the whole picture and the overall effect of the individual's activities on those drawn into the proceedings and the justice system (citation as above).

88. A civil proceedings order has the effect that the person who is the subject of the order may not bring or continue civil proceedings, or issue an application in civil proceedings, without the leave of the High Court: see s.42(1A). Such an order may provide that it will cease to have effect at the end of a specified period, but otherwise it will remain in force indefinitely: see s.42(2). Accordingly, a civil proceedings order has an effect very similar to that of a GCRO, but it is not necessarily limited to an initial three-year life span.

89. In this case, if the Attorney General applied for a civil proceedings order against Dr Wright, there would be very strong grounds for it to be granted. The threshold condition for a civil proceedings order is met, since Dr Wright has persistently brought claims

which meet the definition of vexatious civil proceedings and has done so without reasonable ground. The cumulative effect of his activities on those drawn into his numerous legal actions and on the administration of justice has been very serious.

90. Dr Wright has engaged in substantial and long-running campaigns of litigation harassment, amounting to a massive abuse of the justice system in England and Wales. These campaigns have endured much longer than three years. The scale and effects of those campaigns justify the Attorney General at least being given a chance to consider whether a restrictive order with effects longer than three years is justified. As the judge concluded in the case of *Sangamneheri*, "*the Attorney General should have the opportunity to consider the situation in the round.*"

E. Variation of the Order of 16 July 2024

91. In the injunctive order of 16 July 2024, the Court gave permission for COPA and the Represented Parties to apply to the Court for further injunctive relief to be granted against Dr Wright and/or any of his companies, based on the findings made by the Court in its main trial and relief judgments as well as on any other relevant matters up to the time of such application: see para. 4 of the order **[F9/84/125]**. The rationale for this order was given in the relief judgment at [170]-[172] **[F9/84/175]**, and it was (in summary) to provide time for events to develop so that it could be seen whether further protection was required for those who had suffered as a result of Dr Wright's false claims.

92. Since that order was made, Dr Wright has not only committed serious breaches of the injunctions which were granted. He has continued to spread falsehoods, including about what happened in the Joint Trial. He has also sought to engage others as claimants in his baseless claims, including by his being falsely presented as a legal adviser.

93. In these circumstances, COPA submits that further time should be allowed to see whether additional protection is required by way of further injunctive orders. What is proposed is that the date in para. 4 of the order is changed from July 2026 to a date three years after the date of the order made at this hearing (i.e. March 2028). This would have the additional benefit that the proposed CRO and the time for seeking any further injunctive relief would expire at the same time, enabling COPA and (if an application

is made) the Court to consider at that stage whether any further or ongoing protection is needed.

Conclusion

94. For all the reasons given above, COPA and SquareUp respectfully ask the Court to make the orders in the form attached to their respective CRO applications; to refer the case to the Attorney General; and to make the variation to the July 2024 order as set out above.

Appendix 1 – Reading Guide

The court is invited to read the following in the order set out below:

1. The skeleton argument of COPA
2. Any skeleton argument of Dr Wright.
3. COPA's CRO application **[F8/1/4]**, draft ECRO **[F8/2/10]** and draft GCRO **[F8/3/13]**.
4. SquareUp's CRO application **[F8/4/16]**, draft ECRO **[F8/5/22]** and draft GCRO **[F8/6/25]**.
5. Sherrell 23 (statement in support of CRO applications) **[F8/7/28]**.
6. Dr Wright's Response to Sherrell 23 (forming part of his statement dated 22 November 2024) **[E/1/21]** to **[E/1/36]**.
7. Exhibit of recent social media posts by Dr Wright **[F9/90/1253]**.