



IN THE COUNTY COURT AT CENTRAL LONDON

Case No: K02CL684

Thomas More Building  
Royal Courts of Justice  
Strand  
London WC2A 2LL

Date: 11/10/2023



**Before :**

**HHJ RICHARD ROBERTS**

**Between :**

**NOTTING HILL GENESIS  
- and -  
KATRINA MCCARTHY**

**Claimant**

**Defendant**

**Mr Tom Morris of Counsel (instructed by Winckworth Sherwood LLP) for the Claimant**

**The Defendant did not appear**

Hearing date: 11 October 2023

**Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....  
**HHJ RICHARD ROBERTS**

**HIS HONOUR JUDGE RICHARD ROBERTS :**

**Introduction**

1. This is the hearing of a committal application, dated 2023, by Notting Hill Genesis against Ms McCarthy. The contempt application was amended in accordance with an order of HHJ Hellman, dated 15 September 2023 (1-10). The Claimant’s amended committal application (1-10) states:

“7. The Defendant is in breach of the order of His Honour Judge Dight CBE dated 14 July 2023. Specifically, the Defendant is in breach of paragraphs 7, 8 and 9 of that order. Full details are set out in the attached Affidavit of Elena-Lucia Singleton, sworn on 23 August 2023. A copy of the order is also attached to that Affidavit.

...

12.(1) One the defendant did not inform the Claimant’s solicitors of all of her assets in England and Wales exceeding £250, by 5 pm on Saturday 15th July 2023, in breach of paragraph 7 of the injunction.

(2) The Defendant did not swear and seven an affidavit setting out that information by 4 pm on Friday 21st July, in breach of paragraph 8 of the injunction.

(3) The Defendant has not informed the Claimant’s legal representatives before spending any money, where the money was to come from, in breach of paragraph 9 of the injunction.”

2. Mr Tom Morris of Counsel appears on behalf of Notting Hill Genesis. I am grateful to him for his skeleton arguments, dated 14 September and 10 October 2023.
3. The Defendant does not appear.
4. There is a hearing bundle. References to page numbers in brackets use the numbers in the top right hand corner of the hearing bundle.

## **Background**

5. Mr Hale, a Legal Director of the Claimant’s solicitors, says at paragraph 5 (25) Defendant is a former barrister, disbarred in 2016 for representing a client in court without a practising certificate and pretending to a judge that she had been instructed by a solicitor to appear in the proceedings. Mr Hale exhibits the decision of the Bar Disciplinary Tribunal.
6. One of the Claimant’s tenants was Karim-José Lima. After Mr Lima went into possession of his flat – Flat A, 150 Westbourne Grove, London W11 2RR – in around October 2019, rent arrears began to accrue. The Claimant issued a claim for possession based on rent arrears. By the time the matter got to trial, the arrears stood at over £20,000, the weekly rent being £165.83. Mr Lima filed a defence and counterclaimed in disrepair. His trial witness statement explained that the Defendant was his McKenzie friend and that she had been present at his mother’s wake when the Claimant’s agent telephoned to tell him that he would have to vacate the flat following his mother’s death. The Defendant offered to assist Mr Lima with the claim being brought against him by the Claimant.
7. The matter came to a hearing on 6<sup>th</sup> July 2023 in front of Deputy District Judge Grant in this court. The Defendant attended as Mr Lima’s McKenzie friend. The court was

satisfied that the arrears on the date of the hearing were £23,441.70 and that there was no prospect of the counterclaim reducing the arrears below the ground 8 threshold of £1,424. DDJ Grant therefore made a possession on mandatory grounds and gave directions for the determination of the Claimant's money claim and the Defendant's counterclaim (Hale 1, §10 [27]).

8. After the trial, the Claimant discovered that Mr Lima had – throughout the period of his tenancy – paid over £15,000 to the Defendant, who had told him that she was going to pay this money into “A Court rent account”. Mr Lima attended a meeting with the Claimant's employees and its legal representatives on 13 July 2023 at which he explained that: (i) soon after signing his tenancy agreement, he discovered rising damp in the flat; (ii) damp readings were obtained, which he passed onto the Defendant; (iii) the Defendant told him that he should start paying rent to a bank account in her name, on the basis that he was not liable to pay rent whilst his flat was in disrepair; and, (iv) the Defendant told him that she would pay those amounts into a ‘court rent account’ as part of ‘offsetting’ his rent. In fact, the Defendant stole the £15,000 from Mr Lima.
9. Mr Lima provided a transcript of his WhatsApp messages with the Defendant (111-184) and his bank statements showing the payments totalling £15,000 which he made to the Defendant (99-110).

#### **Order of HHJ Dight, dated 14 July 2023**

10. The order of HHJ Dight, dated 14 July 2023 (22-24), states,

- (1) Unless paragraph (3) applies, the Respondent must by 5pm on Saturday 15<sup>th</sup> July 2023 to the best of her ability inform the Applicant's solicitors (by email at lhale@wslaw.co.uk) of all her assets in England and Wales exceeding £250 in value whether in her own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.

- (2) For the avoidance of doubt, the Defendant must provide:

- a. details of the bank account or accounts into which monies were paid by Mr Karim-Jose Lima including the present balance of that account or those accounts;

- b. the details of the bank account or accounts into which the Defendant has paid any of the sums paid to her by Mr Karim-Jose Lima, including the amounts transferred and the dates on which they were transferred;

- c. the details of any bank account should include (where possible) the account number, sort code, the name of the bank and the name of the account holder. ...

By 4pm on Friday 21<sup>st</sup> July 2023, the Respondent must swear and serve on the Applicant's solicitors (by email at

lhale@wslaw.co.uk) an affidavit setting out the above information.

11. The order contained a penal notice (22).

**Service of the order of HHJ Dight, dated 14 July 2023**

12. The order of HHJ Dight provided (24)

“18. Service of this order”

This order shall be served by the Applicant’s solicitors on the Respondent. Service shall be effected by doing all of the following.

(1) Sending the order by email to kmccarthy842@gmail.com, katorina\_975@sffmail.net and katorina\_975@ssmail.net.

(2) Sending the order by WhatsApp to 07949 791 351

(3) Sending the order by text or iMessage to the following telephone numbers: 07949 791 351.

13. The Claimant’s solicitor, Mr Hale, served the order of HHJ Dight, dated 14 July 2023, in compliance with paragraph 18 of the order to:

- i) The three email addresses given in the order of HHJ Dight (293-205).
- ii) By WhatsApp. The screenshot shows that the messages were delivered (303).
- iii) By text/iMessage.

14. Mr Hale has provided a witness statement, dated 27 July 2023 (288-295), dealing with his service of the order dated 14 July 2023.

15. The Claimant also instructed a process server, Dean Ioannou, who attended the Defendant’s home at 57 Radford Close, Feltham on four occasions but was unable to effect personal service. On 14 July Mr Ioannou posted the order of HHJ Dight of 14 July 2023 through the Defendant’s letter box (296)

**Order of HHJ Dight, dated 31 July 2023**

16. The return date for the injunction before HHJ Dight was on 31 July 2023 (314-317). That morning at 09:39, the Defendant sent the Court an email, in which she said (367),

“I ask that the Court allow a further 14 days for a full reply in this matter. I am unable to attend Court and have evidence to confirm the same.”

17. The Defendant did not attend the hearing.

18. The order made by HHJ Dight at the hearing on 31 July 2023 contained the following recitals:

“AND UPON the return hearing of the Claimant’s without notice application dated 14th July 2023, for freezing injunction

AND UPON the court refusing the Defendant’s request by email to the court dated 31st July 2023 for an adjournment of the hearing on the basis that there was no evidence in support of that request

AND UPON the court being satisfied that the freezing injunction made on 14th July 2023 was served on the Defendant, and that the application notice, affidavit of Mr Hale in support and skeleton argument were all served upon the Defendant

AND UPON the court being satisfied that the Defendant has failed and continues to fail to comply with the freezing injunction made on 14th July 2023, in particular with the orders that she provide information to the claimant as to her assets and as to the funds which are the subject matter of this claim

AND UPON the court considering that the defendant should be worth it as a result of her breaches of that order she is at risk of being found guilty of contempt of court and of being imprisoned, fined or having her assets seized.”

### **Service of order of 31 July 2023**

19. The order of 31 July 2023 was served on the Defendant personally at 57 Redford Close by Mr Mohammadi of Phoenix Consultancy (318). Mr Mohammadi says in his statement, dated 4 August 2023, that on 2 August 2023 he attended the Defendant’s home at 57 Redford Close, Feltham and spoke to the Defendant over the intercom. The Defendant never came to the door and he inserted the order of 31 July 2023 and other documents through the letterbox (297-300).

### **Particulars of Claim**

20. The Claimant has issued and served Particulars of Claim, dated 31 July 2023, on the Defendant (332-337). In the Particulars of Claim, the Claimant seeks damages in tort in respect of the Defendant’s procurement of a breach of contract and a number of remedies in respect of the Defendant’s breach of trust.
21. The Defendant has not filed an acknowledgement of service or defence and so the Claimant has requested judgment (378).
22. In a statement of service, dated 14 September 2023, the Claimant’s process server, Mr Mohammadi says (393),

“2. THAT I did it 10:35 hours on Thursday 14th September 2023 at 57 Redford Close, Feltham, TW13 4TB where after she verbally identified herself to me personally serve the above,

named defendant, Katrina McCarthy, with a bundle of documents as referred to the 'Hearing Bundle Index'.

3. I State that at the time of service upon the said Katrina McCarthy confirmed her identity to me but after notifying her of the document she denied being the defendant and refused to take the documents from me and began to shut the door. I therefore touched her with the documents which subsequently fell to the floor within the flat of 57 Redford Close, Feltham, TW13 4TB.”

### **Order of HHJ Hellman, dated 15 September 2023**

23. A hearing was listed before HHJ Hellman on 15 September 2023. The Defendant did not attend the hearing. HHJ Hellman’s order, which was sealed on 18 September 2023, provides (343-344),

AND UPON the court being satisfied that exhibit AM1 to the witness statement to Mr Ali Mohammed dated 25 August 2023 and 5 September 2023 included a sealed copy of the application notice, the affidavit of Elena Lusia Singelton sworn on 23<sup>rd</sup> August 2023 together with exhibit ES1, a notice of hearing and HMCTS information leaflet

AND UPON the court being satisfied that a sealed copy of the application notice together with the supporting affidavit of Elena-Lucia Singleton sworn on 23<sup>rd</sup> August 2023 together with exhibit ES1, a notice of hearing and HMCTS information leaflet were all personally served on the Defendant on (i) 25 August 2023, (ii) 5<sup>th</sup> September 23; and, (iii) 14 September 2023, as recorded in three witness statement of Mr Ali Mohammed, dated 30<sup>th</sup> August 2023, 7<sup>th</sup> September 2023 and 14 September 2023

AND UPON the court considering that an amended application notice should be served on the Defendant stating the date and terms of the order which is and are alleged to have been breached

AND UPON the court, being satisfied that the attendance of the Defendant at the adjourned hearing of this application on 11<sup>th</sup> of October 2023 is desirable for the fair disposition of the committal application and that a bench warrant will therefore be issued to procure the Defendant’s attendance pursuant to rule 81.7 (2) of the CPR

AND UPON the court, noting that it would be helpful at the adjourned hearing for the complete witness statements of Mr Muhammadi dated 30<sup>th</sup> August 2023, and 5<sup>th</sup> September 2023, together with Exhibit AM1 to be before the court.

24. The Defendant sent the Court an email, dated 18 September 2023, saying,
- i) “I have just seen this email as I have no storage and it was in my spam folder.

- ii) I have not been served with anything and ask that I am given 7 days to read the application and defend myself ... please permit time to fully address what is being attached and get legal advice **as this is serious.**" (My emphasis). The Court staff replied to this email by an email dated 19 September 2023:

"Your email has been considered by HHJ Hellman who responds as follows. "

The order stands.

The committal hearing is listed for 11 October 2023 at 10 am. That will allow Ms McCarthy substantially more than the 7 days she has sought in which to read the application and defend herself."

### **Service of order of HHJ Hellman, dated 15 September 2023**

25. The Claimant has served a statement of service of Mr Mohammadi, dated 2 October 2023 (399). In his statement he says that on 28 September 2023, he attended 57 Redford Close, Feltham, and served the Defendant with a covering letter, which stated inter alia that the committal hearing would be on 11 October 2023 at Central London County Court, the order of HHJ Hellman, dated 15th September 2023; the notice of Hearing dated 18th of September 2023; and the Amended Committal Application (Form N600) dated 28th of September 2023.
26. The Claimant's solicitors also sent an email, dated 28 September 2023, to the Defendant (375):
- i) Order of HHJ, Hellman, dated 15th September 2023;
- ii) Notice of Hearing dated 18th of September 2023; and
- iii) Amended Committal Application (Form N600) dated 28th of September 2023.
27. By an email dated 4 October 2023, the Claimant's solicitors wrote to the Defendant saying (376),

"Please find attached by way of service a copy of the witness statement of our process server. You have now been served with the committal application, the evidence in support of the committal application, the injunction order of HHJ Dight CBE and any other documents relating to these proceedings on numerous occasions by leaving copies at your home address and by email to this email address. The court has now permitted service by leaving copies of any documents at 57 Redford Close, Feltham, TW13 4TB.

...

**You are still in breach of the order of HHJ Dight CBE dated 14 July 2023. You have not sent any document or any response to Winckworth Sherwood."**

## Should committal be heard in the absence of the Defendant?

28. In *JSC BTA Bank v Alexander Yu Stepanov* [2010] EWHC 794 (Ch) Roth J said,

“11. The court has jurisdiction to hear a contempt application in the absence of the defendant in exceptional circumstances. In *Lamb v Lamb* [1983] FLR 278 Lord Justice Oliver, in his judgment in the Court of Appeal, said this:

‘... I see the danger of hearing any application for committal for contempt, which is, after all, a quasi-criminal proceeding, ex parte. It is, I think, established that it is something that should only be done in exceptional circumstances but the question is always one for the discretion of the judge who has to hear the matter. He has to balance the desirability of making an immediate hearing, the urgency of the matter, and so on, against the possibility that the evidence before him may not be complete. But here, if the evidence was to be believed, and there is no reason why it should not have been (and indeed it was not, I think, substantially challenged on the subsequent hearing), the judge was faced with what he considered to be a flagrant and deliberate contempt of court committed only two days after the injunction had been granted, an injunction which had been fully explained to the respondent and in circumstances in which the respondent could be under no illusion about the consequences of a breach. He had to balance the desirability of obtaining the respondent's account of the matter against the possibility that, in the case where the petitioner had been complaining of harassment, such harassment as had taken place was again going to be committed and in his discretion he came to the conclusion that it was a case which he ought to hear ex parte and deal with on that basis. I am not, speaking for myself, on the present material, prepared to say that in making that decision he was wrong.’

...

12. Contempt proceedings are quasi-criminal proceedings, as Lord Justice Oliver there emphasises, and they are criminal proceedings for the purposes of Article 6 of the European Convention on Human Rights. I was therefore referred to consideration by the House of Lords as to when a criminal trial can take place in the absence of the defendant. This was in the case of *R v Jones (Anthony)* [2002] UKHL 5 [2003] 1 AC 1. There their Lordships approved, with one qualification, the guidance given in that case in the Court of Appeal in a judgment of the court delivered by Lord Justice Rose, *R v Hayward* [2001] QB 862. The Court of Appeal, after noting the general right of a defendant to be present at his trial and indeed to be legally represented, and the discretion of the trial judge to proceed without him, said this (at para.22):



‘That discretion must be exercised with great care and it is only in rare and exceptional cases that it should be exercised in favour of a trial taking place or continuing, particularly if the defendant is unrepresented. In exercising that discretion fairness to the defence is of prime importance, but fairness to the prosecution must also be taken into account. The judge must have regard to all the circumstances of the case, including in particular ...’

The Court of Appeal then set out various factors to be considered, which I read omitting the one that was disapproved by Lord Bingham on appeal in the House of Lords:

‘(1) The nature and circumstances of the defendant's behaviour in absenting himself from the trial or disrupting it, as the case may be and, in particular, whether his behaviour was deliberate, voluntary and such as plainly waived his right to appear;

(2) Whether an adjournment might result in the defendant being caught or attending voluntarily and/or not disrupting the proceedings;

(3) The likely length of such an adjournment;

(4) Whether the defendant, though absent, is, or wishes to be, legally represented at the trial or has, by his conduct, waived his right to representation.’

(5) concerns an absent defendant's legal representations which does not here apply:

‘(6) The extent of the disadvantage to the defendant in not being able to give his account of events, having regard to the nature of the evidence against him.’

(7) concerns the risk of the jury reaching an improper conclusion about the absence of the defendant and so obviously does not apply; and (8) refers to the seriousness of the offence:

‘(9) The general public interest and the particular interest of victims and witnesses that a trial should take place within a reasonable time of the events to which it relates.’

29. Applying this guidance to the present case, I bear in mind that although it has a discretion to do so, the Court will proceed in the absence of the respondent only in exceptional circumstances.
30. Firstly, I find that this is not a case where there can be any possible defence. The circumstances of non-compliance with paragraphs 7-9 of HHJ Dight's order dated 14 July 2023 are very clear. There is no realistic risk of any error in proceeding to determine whether or not there has been a contempt.

31. Secondly, I find that the Defendant's breach of the order of HHJ is a flagrant and deliberate contempt of court. The Defendant has entirely failed even to attempt to comply with any aspect of HHJ Dight's order.
32. Thirdly, I find that the Claimant has proved that the Defendant was served and aware of the hearings on 31 July 2023, 15 September 2023 and 11 October 2023. I find that the Defendant has deliberately absented herself from these hearings. HHK Hellman issued a bench warrant on 15 September 2023.
33. Fourthly, it is entirely unknown when the Defendant will be arrested and there needs to be finality to this committal application.
34. Fifthly, an order for contempt of Court is open to variation or discharge by the Court on application by the contemnor if the contempt is purged.
35. Taking all these matters into account, I find this is an exceptional case where it is appropriate for the court to proceed in the absence of the Defendant.
36. I have considered whether the court should only consider the issue as to whether there have been breaches of paragraphs 7, 8 and 9 of the order of HHJ Dight of 14 July 2023, and then adjourn the case to another date to consider the appropriate sentence. Having regard to the matters at paragraphs 30 – 35 above and the fact that the Defendant has deliberately absented herself from three hearings and at present a bench warrant has been issued for her arrest, I find that it is appropriate to take the exceptional course of sentencing the Defendant in her absence.

#### **Breach of order of HHJ Dight**

37. A solicitor employed by the Claimant's solicitors, Winkworth Sherwood LLP, Elena-Lucia Singleton (11-20) states at paragraph 29 of her affidavit, dated 23 August 2023, that the Defendant breached paragraphs 7, 8 and 9 of the injunction order of HHJ Dight CBE in all respects.
38. The Claimant's solicitor, Mr Hale, gave oral evidence and adopted the affidavit of Elena-Lucia Singleton. He confirmed that the Defendant had been served with the order of 14 July 2023 and had failed in all respects to comply with paragraphs 7, 8 and 9 of HHJ Dight's order of 14 July 2023.
39. I find that the Claimant has proved beyond reasonable doubt that the Defendant has breached paragraphs 7, 8 and 9 of HHJ Dight's order of 14 July 2023.

#### **Sentence**

40. I was referred by Mr Morris to a number of authorities. I will confine myself here to referring to two of them.
41. In *McKendrick v the Financial Conduct Authority* [2019] EWCA Civ 524, the Court of Appeal said,  
  
*[39] ... The court should first consider (as a criminal court would do) the culpability of the contemnor and the harm caused, intended or likely to be caused by the breach of the order. In this regard, aggravating or mitigating factors which are likely to*

arise for consideration will often include some of those identified by Popplewell J in *Asia Islamic Trade Finance Fund*...

[40] Breach of a court order is always serious because it undermines the administration of justice. We therefore agree with the observations of Jackson LJ in *Solodchenko*... as to the inherent seriousness of a breach of a court order and as to the likelihood that nothing other than a prison sentence will suffice to punish such a serious contempt of court. The length of that sentence will, of course, depend on all the circumstances of the case... However, because the maximum term is comparatively short, we do not think that the maximum can be reserved for the very worst sort of contempt which can be imagined. Rather there will be a comparatively broad range of conduct which can fairly be regarded as falling within the most serious category and as therefore justifying a sentence at or near the maximum.

[41] ... it may sometimes be necessary for the sentence for this form of contempt of court to include an element intended to encourage belated compliance with the court's order...

42. Guidance on sentence for civil contempt – specifically in the context of freezing orders – was set out by Lawrence Collins J in *Crystalmews Ltd v Metterick* [2006] EWHC 3087 (Ch) as follows.

[9] So far as the penalties are concerned, first, the court may impose an immediate custodial sentence limited to a two-year maximum (s 14(1) of the Contempt of Court Act 1981). A person committed to prison for contempt of court is entitled to unconditional release after serving half of the sentence (Criminal Justice Act 2003, s 258). A committal order is appropriate where there is serious contumacious flouting of orders of the court: *Gulf Azov Shipping Co v Idisi* [2001] EWCA Civ 21 at [72], which was a case of a breach of freezing injunctions where the sentence was three months suspended on condition that the contempt was purged.

[10] In *Pospischal v Phillips* *The Times* 20 January 1988, the Court of Appeal held that where property was sold, and assets dissipated in breach of a Mareva injunction, an immediate prison sentence was necessary to both protect the Plaintiff and punish the Defendant, per Taylor LJ at 7 of the transcript. In that case the Court of Appeal substituted a sentence of six weeks' imprisonment for the ten weeks imposed by the judge because the Defendant was able to raise a loan and the money could be placed in the names of solicitors which would enable the Mareva injunction to be discharged. In *Hudson v Hudson* [1996] 1 F.C.R. 19; [1995] 2 F.L.R. 72; [1995] Fam. Law 550 where the Defendant withdrew and spent £20,000 in breach of a Mareva injunction an immediate prison sentence of nine months was imposed. But any custodial sentence imposed should be as short as possible consistent with the circumstances of the case (see *Aquilina v Aquilina* [2004] EWCA Civ 504 at [14]).

[11] Second, the court may impose a custodial sentence, the execution of which may be suspended for such period or on such terms as the court thinks fit (CPR Sch.1, RSC Ord 52 r.7(1)) [Since replaced by CPR r.81.29]. In *Hale v Tanner* [2000] 1 W.L.R. 2377; [2000] 3 F.C.R. 62; [2000] 2 F.L.R. 879 at 2381 Hale LJ said that suspension was usually the first way of attempting to secure compliance and *Gulf Azov Shipping Co* is an example of such a case where the judge directed that Chief Idisi be committed for three months, suspended on condition that the contempt was purged.

*[12] Third, the court may impose a fine of unlimited amount (s 14.2 of the Contempt of Court Act 1981) or order sequestration. If a fine would be the appropriate punishment it is wrong to impose a custodial sentence because the contemnor is unable to pay a fine (see *Re M (Contact Order)* [2005] EWCA Civ 615; [2005] 2 F.L.R. 1006 at [18]). It will also, I accept, be wrong to impose a custodial sentence because of the difficulty inherent in fining a person subject to a freezing injunction where the assets of the person are clearly below the maximum sum in the injunction.*

*[13] The matters which I may take into account include these. First, whether the Claimant has been prejudiced by virtue of the contempt and whether the prejudice is capable of remedy. Second, the extent to which the contemnor has acted under pressure. Third, whether the breach of the order was deliberate or unintentional. Fourth, the degree of culpability. Fifth, whether the contemnor has been placed in breach of the order by reason of the conduct of others. Sixth, whether the contemnor appreciates the seriousness of the deliberate breach. Seventh, whether the contemnor has co-operated."*

43. I now apply the judicial guidance to the facts of this case.
44. First, I find that the Defendant's culpability is high. This case involves a serious contumacious flouting of the disclosure obligations under the order of HHJ Dight of 14 July 2023. I find that the imposition of a sentence is desirable to punish the Defendant for her sustained breaches of the order.
45. Secondly, I find the harm is high. The Defendant has been in breach of the order for nearly three months. This is always serious because it undermines the administration of justice. I find that the imposition of a custodial sentence is likely to be what is required to coerce the Defendant into complying with the disclosure obligations in the Injunction so that the Claimant's chances of (belated) enforcement are maximised.
46. Thirdly, the background circumstances to the order is that the Defendant took advantage of the Claimant's tenant for her own financial gain and not as a result of any pressure upon her.
47. Fourthly, the Defendant has not cooperated at all with the Claimant. The Defendant has only tried to adjourn the hearings in this case. The Defendant has not attended three hearings. The Defendant has not answered the Claimant's correspondence or filed any evidence.
48. Fifthly, there has been no acceptance of responsibility, no apology, no contrition by the Defendant.
49. Having regard to the aforementioned factors, I conclude that the custody threshold is passed and a sentence of imprisonment is appropriate.
50. I bear in mind that the term of imprisonment should always be the shortest term which will achieve the purpose for which it is being imposed. I consider the shortest period to be nine months (274 days) for the breaches of paragraphs 7, 8 and 9 of the order of HHJ Dight, dated 14 July 2023.

51. I will suspend the immediate operation of the sentence for 14 days, the purpose of that being to give the Defendant one final opportunity to comply with paragraphs 7, 8 and 9 of HHJ Dight's order dated 14 July 2023.

**Costs**

52. The Claimant made an application for costs on an indemnity basis. Having regard to my findings that the Defendant has flagrantly and deliberately breached the order of HHJ Dight of 14 July 2023 and deliberately absented herself from committal hearings, I order the Defendant to pay costs on an indemnity basis. The costs are to be the subject of a detailed assessment if not agreed. I order the Defendant to make a payment on account of costs, pursuant to CPR 44.2(8) by 26 October 2023.