



## Claim Form

In the **CARDIFF COUNTY COURT**

for court use only

Claim No. **0CF03922**

Issue date **08 JUN 2010**

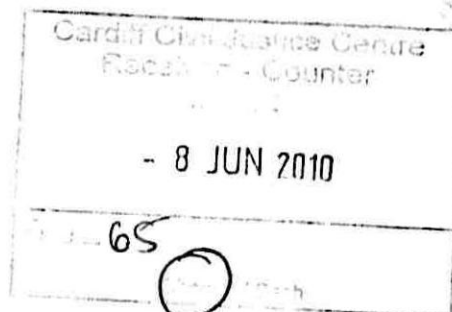
### Claimant

MR MAURICE KIRK  
52 TYNEWYDD RD  
BARRY  
VALE OF GLAMORGAN  
**CF62 8AZ**



### Defendant(s)

**THE CASEWELL CLINIC  
BRIDGEND**



### Brief details of claim

THE CLAIMANT TELEPHONED THE CLINIC TO ARRANGE FOR THE COLLECTION OF HIS MEDICAL RECORDS CALLED AT THE CLINIC ON 10TH FEBRUARY 20TH MAY AND / 6TH JUNE HAVING BEEN ADVISE BY A MEMBER[S] THAT THE RECORDS WERE AVAILABLE FOUND THAT THIS WAS NOT THE CASE AND THUS CLAIMS HIS EXPENSES PLUS aand KLEJMANT

### Value

~~TWENTY FOUR THOUSAND 0 THOUSAND FOUR HUNDRED POUNDS ONLY~~

*£1450.00 - family housing*



Defendant's  
address

**THE CASEWELL CLINIC  
BRIDGEND  
SOUTH WALES**

	£
Amount claimed	840.00
Court fee	<b>65.00</b>
Solicitor's costs	<b>£ 1450.00</b>
Total amount	<b>2400.00</b>

The court office at

**2 Park Street, Cardiff, CF10 1ET**

is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number

Claim No.

Does, or will, your claim include any issues under the Human Rights Act 1998?

☐ Yes

☐ No

Particulars of Claim (attached)(to follow)

TO FOLLOW

Statement of Truth

~~\*(I believe)~~ ~~(The Claimant believes)~~ that the facts stated in these particulars of claim are true.

\* I am duly authorised by the claimant to sign this statement

Full name

FRANCIS SYDNEY WARDEN

Name of claimant's solicitor's firm

signed



position or office held

\*(Claimant)(Litigation friend)(Claimant's solicitor)

(if signing on behalf of firm or company)

\*delete as appropriate

Claimant's or claimant's solicitor's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.

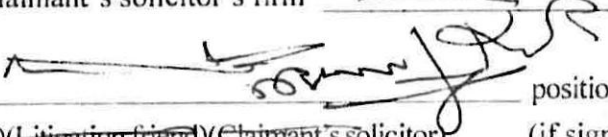
Claim No.	
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Does, or will, your claim include any issues under the Human Rights Act 1998? ☒ Yes ☐ No

Particulars of Claim (attached)(to follow)

~~TO FOLLOW~~

~~THE CLAIMANT~~ TOLD HIS SECRETARY  
WHO TOLD <sup>THE CLAIMANT</sup> ~~THE CLAIMANT~~ HIS SECRETARY, WHILST  
STANDING BESIDE <sup>HIM</sup> ~~ME~~, THAT HIS  
MEDICAL RECORDS, FOR NOV/DEC 04  
AND JAN/FEB 10, WERE READY FOR  
COLLECTION AT PORTER'S LODGE CASWELL  
CLINIC. POLICE TOLD <sup>THE CLAIMANT</sup> ~~ME~~, ON TWO (2)  
VISITS OF FOUR, THAT THE DELIVERY  
RECORDS WERE KNOWN TO BE ASKED FOR  
BUT STAFF, WHILST <sup>CLAIMANT</sup> ~~HAS~~ THE CLAIMANT  
WAS THERE, REFUSED TO RELEASE  
ANYTHING.

Statement of Truth  
 \*(I believe)(The Claimant believes) that the facts stated in these particulars of claim are true.  
 \*I am duly authorised by the claimant to sign this statement THE CLAIMANT BELIEVES THAT  
 THE FACTS STATED IN THESE PARTICULARS OF CLAIM  
 Full name ~~MAURICE JOHARRIL~~ ARE TRUE  
 Name of claimant's solicitor's firm  
 signed  position or office held BI  
 \*(Claimant)(Litigation friend)(Claimant's solicitor) (if signing on behalf of firm or company)  
 \*delete as appropriate CLAIMANT

Claimant's or claimant's solicitor's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.

# Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Name of court CARDIFF COUNTY COURT	
Claim no.	OCF03922
Warrant no. (if applicable)	
Claimant's name (including ref.)	MAURICE KIRK
Defendant's name (including ref.)	[REDACTED] 448470.48
Date	16/09/2010

1. What is your name or, if you are a solicitor, the name of your firm?

MORGAN COLE

2. Are you a ☐ Claimant ☐ Defendant ☒ Solicitor

☐ Other (please specify)

If you are a solicitor whom do you represent?

DEFENDANT

3. What order are you asking the court to make and why?

That the Claimant's claim be struck out under Rule 3.4(2) on the basis that the claim form discloses no reasonable grounds for bringing the claim, that the claim form is an abuse of the court's process and there has been a failure to comply with a rule, practice direction or court order.

The court is asked to consider whether a civil restraint order is appropriate.

The court is also asked to order that the Claimant pay the Defendant's costs in respect of these proceedings.

Detailed reasons for seeking the above order are set out in Section 10.

4. Have you attached a draft of the order you are applying for? ☒ Yes ☐ No

5. How do you want to have this application dealt with? ☒ at a hearing ☐ without a hearing  
☐ at a telephone hearing

6. How long do you think the hearing will last?  Hours  Minutes

Is this time estimate agreed by all parties?

☐ Yes ☒ No

7. Give details of any fixed trial date or period

APPLICATION HEARING LISTED 24.9.10

8. What level of Judge does your hearing need?

DISTRICT

9. Who should be served with this application?

CLAIMANT

10. What information will you be relying on, in support of your application?

- ☐ the attached witness statement
- ☐ the statement of case
- ☒ the evidence set out in the box below

If necessary, please continue on a separate sheet.

See 1 in Addendum

### Statement of Truth

~~(I believe)~~ (The applicant believes) that the facts stated in this section (and any continuation sheets) are true.

Signed David Mortimer Dated 16 SEPTEMBER 2010

Applicant('s Solicitor)~~(s litigation friend)~~

Full name DAVID MORTIMER

Name of applicant's solicitor's firm MORGAN COLE

Position or office held PARTNER  
(if signing on behalf of firm or company)

11. Signature and address details

Signed David Mortimer Dated 16 SEPTEMBER 2010

Applicant('s Solicitor)~~(s litigation friend)~~

Position or office held PARTNER  
(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

Morgan Cole Solicitors  
Bradley Court  
Cardiff  
Cardiff

Postcode

C F 1 0 3 D R

If applicable

Phone no. 029 2038 5385

Fax no. 029 2038 5300

DX no. 33014 Cardiff

Ref no. 448470.48

E-mail address



## Addendum 1/2

1. The Defendant first became aware of this claim upon receipt of a copy of the Claimant's application notice dated 5 August 2010 requesting reinstatement of this claim, together with a copy of the court's notice of hearing of application dated 24 August 2010. This documentation was received by the Defendant from the court on 1 September 2010.

The Defendant seeks strike out of the claim under Rule 3.4(2) of the CPR for the following reasons:

1. Rule 3.4(2)(a) states that a statement of case can be struck out if it discloses no reasonable grounds for bringing or defending the claim.

It is the Defendant's understanding that the Claimant is seeking to claim for his expenses in attending the Caswell Clinic in Bridgend on a number of occasions to collect his medical records.

The Defendant is not the correct Defendant. The records referred to by the Claimant are not owned by or in the personal possession of the Defendant. The records are owned and retained by Abertawe Bro Morgannwg University Local Health Board ('the LHB'). The Defendant asserts, therefore, that any claim which may arise in relation to the Claimant's medical records, the existence of any such claim being denied, would properly lie against the LHB and not with the Defendant.

Notwithstanding the foregoing paragraph, the Defendant is aware that the Claimant has been provided with copies of his medical records on at least two occasions. The Claimant first made a request for his forensic records on 5 October 2009. The request was processed following the LHB's procedures and the records were hand delivered to HMP Cardiff, where the Claimant was at that time remanded, on 18 November 2009. Copies of all records held by the LHB in respect of the processing of this request for records are appended to this application as Appendix 1.

The Claimant made a further request for his records, via email, on 13 May 2010. At that time the Claimant made a specific request for certain reports which he considered should form part of his records, in addition to a request for a full copy of his records. The Claimant was advised by the LHB by letter dated 26 May 2010 that his request would be processed and was advised as to the status of the reports he had requested. A complete set of records, including forensic, acute, A&E and radiology, were sent to the Claimant by the LHB on 9 June 2010. Copies of relevant correspondence are appended to this application as Appendix 2.

The Claimant also made a complaint, via South Wales Police, regarding his concerns that he had not received his complete records in November 2009. Details of this complaint and the LHB's response to it can be found at Appendix 3.

On both occasions, the Claimant was provided with a complete copy of those medical records requested by him and held by the LHB. The LHB complied with its internal procedures for processing the requests for access to records. Therefore, there was no requirement for the Claimant to attend the Caswell Clinic to obtain copies of his

## Addendum 2/2

records. In any event, the Claimant would not have been provided with his medical records, or copies thereof, on presentation at the clinic as this would be contrary to the LHB's own policies. The Defendant is unable to identify any legally recognisable claim against himself or any other individual or organisation in respect of the facts asserted in the Claim Form and in the Claimant's statement of 5 August 2010.

2) Rule 3.4(2)(b) allows a statement of case to be struck out if it is an abuse of process or otherwise likely to obstruct the just disposal of the proceedings.

The Defendant would reiterate the points already made. The Defendant would assert that the Claimant's claim is ill-founded and does not disclose any cause of action against the Defendant.

3) Rule 3.4(2)(c) allows a statement of case to be struck out if there has been a failure to comply with a rule, practice direction or court order.

The Statement of Truth on the Claim Form has not been signed by the Claimant. The Claim Form is signed by a Francis Sydney Warren, who purports to be a litigation friend. No certificate of suitability has been filed in accordance with CPR 21.5(3). There is no formal indication of Mr Warren's status, of the need for a litigation friend in this matter, or of Mr Warren's suitability to be a litigation friend. In addition, the Statement of Truth accompanying the application notice of 5 August 2010 has been signed by the Claimant. The Defendant asserts that the Statement of Truth on the Claim Form has not been appropriately verified as required by Rule 22.1(6)(a) or Paragraph 3.2 of Practice Direction 22 of the CPR and the court's attention is drawn to Rule 22.2 of the CPR which states that the court may strike out a statement of case which is not verified by a Statement of Truth.

The court is also referred to Rule 3.4(6) which requires the court to consider whether a civil restraint order is appropriate in circumstances where a statement of case has been struck out for being totally without merit.

**IN THE CARDIFF COUNTY COURT**

**0CF03922**

**B E T W E E N**

**MAURICE KIRK**

**Claimant**

**-and-**

**[REDACTED]**

**Defendant**

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**CONSENT ORDER**

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**BY CONSENT IT IS ORDERED:**

1. That the Claimant discontinues his claim against the Defendant.
2. That there be no order for costs.

Dated this            day of May 2011.

Signed.....

Mr Maurice Kirk  
Puits aux Papillons  
St Doha  
22230 Merdrignac  
France

The Claimant

Signed.....

Morgan Cole LLP  
Bradley Court  
Park Place  
Cardiff  
CF10 3DR

Solicitors for the Defendant



issue date

Maurice Kirk

SEAL

Professor Roger Wood, Swansea University  
Paul Williams, Chief Executive NHS Wales NHS  
The Secretary of State for the Justice Ministry

The Falsification of medical records, refusal to disclose, clarify and/or amend the Claimant's medical records, refused medical care, false imprisonment, perversion of justice and perjury.

## One Million Pounds

57/6/11

~~CONFIDENTIAL~~ Caswell Clinic  
Bridgend South Wales CF31 4LN.  
Prof. Roger Wood Swansea University  
Swansea South Wales SA2 8PP  
Paul Williams Chief Executive NHS Wales  
Welsh Assembly, Cardiff, Secretary of  
State to the Justice Ministry, c/o 1 Kemble  
Street London WC2B 4TS

Amount claimed	1,000 00
Court fee	16 10
Solicitor's costs	
Total amount	1,016 10

Maunice J Kirk BVSc  
Puis aux Papillons  
St Doha  
22230 Meringnac  
Cotes d'Armor  
France

\*(Claimant's solicitor)  
Signed: *[Signature]*  
Name of claimant's solicitor's firm  
Full name Maunice John Kirk  
\*(I believe) (The claimant believes) that the facts stated in these particulars of claim are true.  
\*(I am duly authorised by the claimant to sign this statement)

position of office held  
(if signing on behalf of firm or company)  
\*(I am duly authorised by the claimant to sign this statement)

Particulars of Claim (attached) to follow  
six copies to follow, sent on 3rd June 2011

Does, or will, your claim include any issues under the Human Rights Act 1998? ☒ Yes ☐ No

Claim No. [Redacted]

IN THE CARDIFF COUNTY COURT

Claim No 1CF03546

MAURICE JOHN KIRK

Claimant

V



1st Defendant

Professor Roger Wood

2<sup>nd</sup> Defendant

Director of the South Wales National Health Service

3<sup>rd</sup> Defendant

The Secretary of State to the Ministry of Justice

4<sup>th</sup> Defendant

## PARTICULARS OF CLAIM

1. The 1<sup>st</sup> Defendant was at all material times the Clinical Director of the South Wales Constabulary's Forensic Unit, Caswell Clinic, Bridgend and the staff of the medium secure psychiatric hospital, hereinafter referred to, were at all material times acting under the direction and control of the Defendant in the performance or purported performance of their functions.
2. The 2<sup>nd</sup> Defendant was at all material times a psychology professor at Swansea University, South Wales.
3. The 3<sup>rd</sup> Defendant was the regional director responsible for the conduct of the South Wales NHS staff and safety of the general public when in its care.
4. On or before 1<sup>st</sup> June 2009, following meetings at South Wales Police HQ, by senior police officers, the 1st Defendant was made aware that 'Operation Orchid' had been conceived following the attempts by the Claimant to sue the South Wales Police relating to over one hundred incidents and was claiming malicious intent, bullying and false imprisonment by them.
5. His newest complaint, that being the Chief Constable's February 2009 falsely signed sworn affidavit, relating to years of covert police surveillance of the Claimant, led to meetings of the Independent Advisory Group (IAG) and Multi Agency Public Protection arrangements (MAPPA) in order prevent disclosure of the truth.
6. Repeatedly, police refused to properly investigate crime committed against his property and person. Well over one hundred allegations of criminal conduct were laid, as a counter measure, only to be withdrawn by the HM Crown Prosecution Service or ignominiously dismissed in the criminal courts despite where HM Partnership had some special relationships with each other in the Principality.

7. The 1<sup>st</sup> and 3<sup>rd</sup> Defendant knew that police 'Operation Orchid' was devised on spurious medical grounds with a real risk of damaging the Claimant by either being a party to causing his 10 year old daughter being taken into care, allegedly for her own safety, by South Wales Social Services.
8. The 1<sup>st</sup> Defendant, on 8<sup>th</sup> June 2009, caused members of his staff to attend Barry police station for a MAPPA meeting that led to his knowledge that the Claimant was to be arrested, remanded in custody and should the Claimant 'approach the Chief Constable of South Wales', on the pretext of 'mutual exchange of witness statements', in a civil action, 'he was likely to be shot' by an armed police unit.
9. At no time, to this day, did any of the four Defendants inform the Claimant of the risk to his life, from the South Wales Police nor the existence and possible consequences of 'Operation Orchid' causing damage to both the Claimant and his family.
10. In early and mid June 2009 the Claimant attended various South Wales police stations, in Cardiff, Cowbridge and Barry, lodging further complaints of being refused police investigations concerning crimes committed against him.
11. On 18<sup>th</sup> June 2009, in frustration, the Claimant visited and complained at the Chief Constable's office in Bridgend HQ where he was soon surrounded by a heavily armed police sporting flak jackets and tin hats with an array of gas cylinders clipped on their belts.
12. The Chief constable refused 'exchange of witness statements', despite a court dead line by the following day, and ordered the Claimant be escorted off the premises but not before a thorough search of his car, for any fire arms or explosives and bringing in a road patrol officer off the Motorway who failed to find any defect in the Claimant's old car.
13. The Claimant put the finishing touches to his 64 page witness statement, for court later, having just 'gone public', on You Tube and on his own web site, [www.kirkflyingvet.com](http://www.kirkflyingvet.com), of his knowing, all the time, of the 18 years of expensive covert police surveillance on both his veterinary hospital and home.
14. On 21<sup>st</sup> June 2009 the 1<sup>st</sup> Defendant was notified of 'Operation Chalice', arranged by the Chief Constable, for a formidable armed police unit amassed to take the Claimant into custody.
15. The operation was, however, aborted despite the Claimant being in full view of the twenty odd surveillance team, crowded in the road and crouched behind the hedges with police helicopter hovering overhead.
16. On the 22<sup>nd</sup> June 2009 the Claimant was arrested on fire arms charges, fabricated by the Chief Constable but examined by a police psychiatrist who found no relevant medical abnormality with her patient to require detention or treatment.
17. To the contrary, the 1<sup>st</sup> Defendant wrote his 3<sup>rd</sup> August 2009 psychiatric report , without even examining the Claimant, recommending the Claimant serve a further

prison sentence, whilst unconvicted but in his experimental unit, Caswell Clinic, thereby further delaying the machine gun allegations coming to trial.

. The 1<sup>st</sup> Defendant wrongly stated his patient suffered a 'paranoid delusional disorder', requiring further detention in custody, due to 'false fixed beliefs' in that the Claimant believed he was being persecuted by the South Wales Police.

. On 7<sup>th</sup> August 2009, upon giving a Cardiff Crown Court judge false information, the 1<sup>st</sup> Defendant recommended and obtained a Section 35 under the 1983 Mental Health Act.

. The 1<sup>st</sup> Defendant knew or should have known that an appropriately qualified police doctor, HM Prison Cardiff psychiatrists and his own doctors, at Caswell Clinic had already very recently physically examined the Claimant and had found no mental health abnormality requiring further incarceration or treatment.

. The 1<sup>st</sup> Defendant, on or about 28<sup>th</sup> August 2009, maliciously and/or negligently, caused the Claimant to undergo an unnecessary but intrusive procedure of a SPEC scan requiring the infusion of radioactive isotopes into the Claimant's brain.

. The 1<sup>st</sup> Defendant informed the South Wales Police, HM Crown Prosecution Service, Uncle Tom Cobley and all that Princess of Wales Hospital brain scans revealed 'significant brain damage' and likely to be irreversible..

The 1<sup>st</sup> Defendant had no appropriate medical qualifications to come to that conclusion especially with the prior knowledge that an expert in the field of brain scans had already written a report stating there was no sign of relevant abnormality or suggestion of any space invading lesion in the Claimant's brain.

Following significant but immediate alarming sides effects on the 'patient' the 1<sup>st</sup> Defendant repeatedly refused the right for the Claimant to be examined, either privately funded or funded by the 3<sup>rd</sup> Defendant, by his own general practitioner of some seventeen years standing or independent source from outside South Wales.

The Claimant has suffered these apparent medical complications ever since.

The 1<sup>st</sup> Defendant caused the 2<sup>nd</sup> Defendant to be also enticed into the conspiracy, to pervert the course of justice, hatched originally by senior police officers of South Wales in the hope of a few chances in having the chronic litigant 'lawfully' shot.

Professor Wood, the 2<sup>nd</sup> Defendant, interviewed the Claimant under the pretence he was a doctor of medicine and when he had no appropriate qualifications to write such content in his original report to Dr Ruth Bagshaw of Caswell Clinic.

The 2<sup>nd</sup> Defendant's report, read by the Claimant on or around 13<sup>th</sup> October 2009, stated apart from other untruths, the following:

- a. He was an expert in the field of interpreting brain scans and the very purpose of his being called in by the 1<sup>st</sup> Defendant. He agreed with the doctor's findings, that of irreversible 'significant brain damage'.
- b. Damage was attributed to the effects of excessive alcohol consumption having been an old drinking partner of the late actor, Oliver Reed Esq.
- c. Damage was attributed to the effects of 'previous flying accidents' and the Claimant's recently ditching into the Caribbean in his WW2 light aircraft during an attempted circumnavigation of the world.
- d. Damage confirmed by the 2<sup>nd</sup> Defendant's belief that the Claimant had flown his aircraft from West Wales to Australia 'without a map'.

29. 1<sup>st</sup> Defendant caused further psychiatric reports to be written containing the following:

*"Maurice Kirk has evidence of significant brain damage to an area of his brain specifically related to self-awareness, judgment, decision making, self regulation of behavior and control of emotions".*

*"Maurice Kirk presents with symptoms entirely consistent with a mental illness namely Paranoid Delusional Disorder (fixed false beliefs unnameable to reason)".*

30. More 1<sup>st</sup> Defendant psychiatric reports caused the Claimant to be further detained in custody, in fear of his life throughout, for the maximum period allowed, under the 1983 law, that of twelve weeks.
31. The 1<sup>st</sup> Defendant, despite repeated objections by the Claimant each time a new report was written, refused to correct his forensic history of his patient. It included, along with other false information to countless bail judges, that the Claimant, in 1982, had been convicted of 'Actual Bodily Harm'.
32. Following the Claimant's applications under the Freedom of Information and Data Protection Acts, the 3<sup>rd</sup> Defendant, the NHS, refused to disclose the full relevant medical records caused by the Claimant's detention in Caswell Clinic and in particular including any records of 2<sup>nd</sup> Defendant or from those of the doctor in his presence at time of his insulting interview.
33. The 1<sup>st</sup> Defendant then recommended, under a Section 41 or similar, to numerous judges that the Claimant be retained in a psychiatric hospital. He particularly asked his patient be transferred to Ashworth high security psychiatric prison,



following consultation with the South Wales Police and MAPPA recommending he be imprisoned IPP, imprisonment for public protection and without access to a jury, for an indeterminate period.

34. On the Claimant being returned to HM Prison Cardiff, in late October 2009, the 1<sup>st</sup> Defendant was now in possession of other doctor's opinions, exceeding eighteen, that the Claimant revealed no relevant mental disorder to have caused his detention in his Caswell Clinic or for any treatment other than obtain independent legal representation, significantly unavailable in South Wales.
35. On 2nd December 2009, before the prospective trial judge in the rapidly approaching criminal proceedings, with the Claimant now indicted on 'being in possession of a machine gun', 'selling it' and 'making financial gain', the 1<sup>st</sup> Defendant caused some of those present, without ever informing the Claimant, to this day, that the latter now had a brain tumour and was far too dangerous to be released on bail.
36. These further serious attempts to pervert the course of justice, by HM Crown Prosecution Service, the Chief Constable of South Wales Police and Dr Tegwyn Williams, were MAPPA's last ditch attempt to avoid a farcical and publicly watched criminal trial in the capital of Wales.
37. During the 2<sup>nd</sup> December 2009 Crown Court hearing, in the absence of the unrepresented Claimant, locked up below, two English independent medical reports were considered by the court. The 1<sup>st</sup>, from HM Prison Ashworth, found no apparent mental disorder while the 2<sup>nd</sup>, likewise, from a leading specialist in nuclear medicine, went so far as to castigating the 1<sup>st</sup> Defendant for the unnecessary use of a SPEC scan when a non intrusive scan was all that was needed. The Claimant was again refused bail.
38. On or about 17<sup>th</sup> December 2009 MAPPA, conducted in Caswell Clinic would you believe, removed the Claimant from their top level 5% category 3 list of most dangerous persons to the general public.
39. MAPPA or their agents, including 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Defendant have failed to notify the Claimant, to this day, as to when and why was he on MAPPA register at all?
40. Why, now, he was no longer considered a public threat just days before a trial carrying possible convictions with a mandatory ten year prison sentence?
41. On 9<sup>th</sup> February 2010 the Claimant was cleared of all charges, despite offering no defense BUT only due to the timely intervention of a jury made up of no lawyers and only one police 'plant'.
42. Upon release from prison all four Defendants caused the Cowbridge Health Centre to refuse the Claimant as a continuing patient or disclose what confidential medical information of their patient it had revealed to FTAC, MAPPA or any of the Defendants before or during his custody period.

43. On 10<sup>th</sup> February 2010, in Bridgend police station, a police psychiatrist and social workers examined the Claimant, yet again, in relation to 'Operation Orchid', still ongoing and again, found no relevant mental disorder to warrant the custody or medical treatment of the Claimant or being continued refusal to get access to his own daughter.
44. The 3<sup>rd</sup> Defendant refused to disclose the full medical records, yet again, under a repeated Claimant Application, under the aforesaid Acts but included, by mistake a back dated falsified copy, again signed by the 2<sup>nd</sup> Defendant, as if to be a copy of the original one seen by the Claimant handed to him, during his custody, by a Caswell Clinic doctor to read.
45. Only when the good doctor perceived the Claimant was likely to assault him, if need be, did he hand over the erroneous document to read.
46. This report was clearly designed, as with the 1<sup>st</sup> Defendant's psychiatric reports, to injure the Claimant's reputation and good name in the Vale of Glamorgan where he had, for many years, successfully practiced veterinary medicine.
47. Continued refusal by all four Defendants, to clarify and correct the Claimant's medical records, caused the Civil Aviation Authority to refuse his renewal for his pilot's licences until further examined by two of their most senior psychiatrists.
48. The Claimant had to travel to the CAA at Gatwick airport to find two doctors who stated, in so many words, that there was no indication of any medical condition that prevented the Claimant from holding a permit to be allowed to lawfully 'break the bonds of earth' in UK airspace.
49. In June 2009 surgeons refused to operate on the Claimant, for an urgently needed total hip replacement, due to confusion caused by the all four Defendants, refusing to clarify whether or not the Claimant had cancer and 'significant brain damage'.
50. The 3<sup>rd</sup> Defendant refused to carry out another brain scan, via his new GP in Barry, causing serious delay with the Claimant having to travel to a foreign country for one. Only then did the Claimant obtain his much overdue operation, in Brittany once no abnormality was found in the Claimant's brain.
51. In or around July 2010 the 4<sup>th</sup> Defendant refused to disclose Claimant's medical records relevant in these Particulars of Claim and denied knowledge, despite attending, of MAPPA monthly meetings during the 2009 Claimant's custody.
52. The 4<sup>th</sup> Defendant would not even allow the Claimant to have his walking sticks returned suggesting malicious intent and part of the conspiracy.
53. All four Defendants caused unnecessary pain and suffering and mental anguish with the seriously debilitating effect of prolonged mind enhancing drugs such as morphine sulphate and Tremadol for nearly ten months.

54. The Claimant's medication and severe pain caused complete havoc and huge expense to the Claimant for numerous court proceedings, both civil and criminal, since June 2010 to around eight weeks after his 25<sup>th</sup> March 2011 operation, a period for recuperation.
55. Parties in both civil and criminal courts, between June 2010 to date, have taken unfair advantage of the Claimant either ignoring countless monthly medical updates from specialist doctors from both sides of the English Channel.
56. One Cardiff law firm, defending a client for monies owed, actually quoted from the 1<sup>st</sup> Defendant's false information contained in his psychiatric reports pleading the Claimant was, in effect, insane.
57. The 4<sup>th</sup> Defendant also caused about a week's false imprisonment, in or about January 2008, when refusing to take from his prisoner, from within prison, his cash, his cheque, supply a credit card machine, to draw the cash or take from his wife, dutifully waiting at the prison gate, the outstanding amount in 'readies'.
58. The Barry magistrates had promised the Claimant he could pay the outstanding CPS costs and court costs at any time during prison custody. The remaining amount from the original £11,000 owed being around £3,500, in lieu of imprisonment.
59. In summary, the Claimant has suffered from all four Defendants' misfeasance in public office and failure of duty of care to their patient and/or prisoner needing the latter to obtain protection from this abuse by temporary asylum in France, now subject to appeal and shortly to be heard, in open court, in Paris.
60. And in particular, the failure by the 1<sup>st</sup> Defendant to correct and clarify the Claimant's medical records is gross professional misconduct which has caused defamation of the Claimant's name and good character, falsification of medical documents, false imprisonment, serious prolonged unnecessary bullying, pain and mental suffering to cause damages, special damages and/or exemplary damages with punitive damages, his conduct needing a long overdue criminal investigation.
61. And in particular, the 2nd Defendant's negligence has caused defamation of the Claimant's name and good character by falsified medical records causing false imprisonment and unnecessary pain and mental suffering requiring damages, exemplary and/special damages with punitive damages, his conduct also needing a long overdue criminal investigation.
62. And in particular, the 3<sup>rd</sup> Defendant has caused defamation of the Claimant's name and good character, continues to withhold proper NHS services from the Claimant and relevant medical records that has led to unnecessary pain and mental suffering for the Claimant requiring this claim for damages, exemplary and/or special damages

63. And in particular, the 4<sup>th</sup> Defendant has caused negligence, unnecessary pain and mental suffering and false imprisonment requiring damages, exemplary and/special damages.

64. And the Claimant claims costs.

**Unless restrained by a competent court this rogue psychologist and rogue psychiatrist are likely to repeat their action again, there currently being little or no proper outside independent supervision of what really goes on in the Principality.**

The Claimant retains his right for trial by jury and for a lawyer to read and amend this Claim.

Maurice J Kirk BVSc

2<sup>nd</sup> June 2011

Puits aux Papillons  
St Doha  
22230 Merdrignac  
Brittany

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Copy to: Court of Appeal, Criminal Division, Royal Courts of Justice

# Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Name of court CARDIFF COUNTY COURT	
Claim no.	1CF03546
Warrant no. (if applicable)	
Claimant's name (including ref.)	MAURICE KIRK
Defendant's name (including ref.)	[REDACTED] & PROFESSOR ROGER WOOD & TWO OTHERS 448470.48
Date	5/7/2011

1. What is your name or, if you are a solicitor, the name of your firm?

MORGAN COLE LLP

- ☒ Are you a ☐ Claimant ☐ Defendant ☒ Solicitor  
☐ Other (please specify)

If you are a solicitor whom do you represent?

FIRST AND SECOND DEFENDANTS

3. What order are you asking the court to make and why?

That the Claimant's claim be struck out under Rule 3.4(2) on the basis that the claim form discloses no reasonable grounds for bringing the claim, that the claim form is an abuse of the court's process and there has been a failure to comply with a rule, practice direction or court order. Alternatively, that the court grant summary judgement under Rule 24.2(1)(i) on the grounds that the Claimant has no real prospect of succeeding on the claim.

The court is asked to stay these proceedings until this application has been considered.

The court is asked to consider whether a civil restraint order is appropriate.

Detailed reasons for seeking the above order are set out in Section 10.

4. Have you attached a draft of the order you are applying for? ☐ Yes ☒ No
5. How do you want to have this application dealt with? ☒ at a hearing ☐ without a hearing  
☐ at a telephone hearing
6. How long do you think the hearing will last?  Hours  Minutes  
Is this time estimate agreed by all parties? ☐ Yes ☒ No
7. Give details of any fixed trial date or period
8. What level of Judge does your hearing need?
9. Who should be served with this application? CLAIMANT and THIRD AND FOURTH DEFENDANTS

10. What information will you be relying on, in support of your application?

- ☐ the attached witness statement
- ☐ the statement of case
- ☒ the evidence set out in the box below

If necessary, please continue on a separate sheet.

See 1 in Addendum

### Statement of Truth

(I believe) (The applicant believes) that the facts stated in this section (and any continuation sheets) are true.

Signed  Dated 5 JULY 2011

Applicant('s Solicitor)(~~s litigation friend~~)

Full name TINA WHITMAN

Name of applicant's solicitor's firm MORGAN COLE LLP

Position or office held SENIOR SOLICITOR

(if signing on behalf of firm or company)

### 11. Signature and address details

Signed  Dated 5 JULY 2011

Applicant('s Solicitor)(~~s litigation friend~~)

Position or office held SENIOR SOLICITOR

(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

Morgan Cole Solicitors Bradley Court Cardiff Cardiff  Postcode C F 1 0 3 D R	If applicable	
	Phone no.	029 2038 5385
	Fax no.	029 2038 5300
	DX no.	33014 Cardiff
	Ref no.	448470.48

E-mail address



## Addendum 1/3

1. The Claimant brings allegations of falsification of medical records, refusal to disclose medical records, failure to clarify and/or amend medical records, refusal of medical care, false imprisonment, perversion of justice and perjury.

The Claimant was transferred to the Caswell Clinic in August 2009 for assessment by the First Defendant following an order of the court under section 35 of the Mental Health Act 1983. The Claimant remained at the Caswell Clinic until October 2009. The Claimant's placement at the Caswell Clinic was subject to appropriate review by the court throughout. The Claimant was interviewed and examined by the First Defendant on numerous occasions prior to and during the course of that admission. Exhaustive records were kept by each and every medical professional involved in the Claimant's care, including the First Defendant. A number of reports were prepared by the First Defendant for the use of the court. Those reports were prepared following, and were informed by, appropriate observation and assessment by a number of different clinicians, nurses and other medical staff, including the Second Defendant, who had been asked to consider certain brain scans which had been undertaken. The First and Second Defendants acted within their respective competencies and in accordance with the appropriate professional standards at all times. The Claimant had access to appropriate medical care at all times.

The Claimant has been provided with complete copies of all records held by Abertawe Bro Morgannwg University Local Health Board, the NHS body with responsibility for the Caswell Clinic and the employer of the First Defendant. The Claimant first made a request for his forensic records on 5 October 2009. The records were hand delivered to HMP Cardiff, where the Claimant was at that time remanded, on 18 November 2009. A complete set of records, including forensic, acute, A&E and radiology, were sent to the Claimant by the LHB on 9 June 2010. The Claimant was offered a further complete copy set in January 2011 but declined this, confirming that he had already received the records. Documents confirming these actions are appended to this application.

A complaint was made to the police regarding falsification of Abertawe Bro Morgannwg University Local Health Board by the Claimant in February 2010. This complaint was investigated and no evidence was found to corroborate this complaint. No further action was taken. Details of this complaint are appended to this application.

No request for the release of records has been received by Abertawe Bro Morgannwg University Local Health Board from clinicians treating the Claimant at any time during 2009-2011. Had a request been made it would have been dealt with in accordance with the usual procedures for managing such requests.

The Defendant seeks strike out of the claim under Rule 3.4(2) of the CPR for the following reasons:

1. Rule 3.4(2)(a) states that a statement of case can be struck out if it discloses no reasonable grounds for bringing or defending the claim.

- Many of the allegations set out in the Particulars of Claim relate to matters, including

## Addendum 2/3

actions and decisions of the police and courts, which are outside the knowledge and/or control of the First and Second Defendants.

- The particulars of claim fail to give clear grounds or provide any evidence as to why it is alleged that records have been falsified and/or require amendment or clarification. Previous investigations have shown these allegations to be unfounded.

- The Claimant's medical records are not within the control or ownership of the First and Second Defendants, but are held by the NHS body or bodies for whom they were produced. Notwithstanding this, the Claimant has received his complete forensic records twice and his complete medical records once and has declined offers to be provided with further copies.

- The records and reports completed by the First and Second Defendants were produced in accordance with their assessments, observations and professional judgement, as well as being informed by data received from appropriate third party sources and the expertise of other clinicians and medical staff.

- The First and Second Defendants have had no involvement in the Claimant's medical care outside their specific roles. The First Defendant has had no involvement in the Claimant's care since December 2009 and the Second Defendant's involvement was limited to an assessment and report on the Claimant undertaken in September 2009.

- The Claimant was, at all times, detained in accordance with the appropriate orders of the court.

2) Rule 3.4(2)(b) allows a statement of case to be struck out if it is an abuse of process or otherwise likely to obstruct the just disposal of the proceedings.

The First and Second Defendants would reiterate the points already made. The First and Second Defendants would assert that the Claimant's claim is ill-founded and vexatious.

3) Rule 3.4(2)(c) allows a statement of case to be struck out if there has been a failure to comply with a rule, practice direction or court order.

There is no Statement of Truth on the Particulars of Claim and this document has not been signed by the Claimant contrary to the requirements of paragraph 3.4 of Practice Direction 16. The court's attention is drawn to Rule 22.2 of the CPR which states that the court may strike out a statement of case which is not verified by a Statement of Truth.

4) Rule 24.2(a)(i) allows the court to give summary judgement against a Claimant on the whole of a claim if it considers that the Claimant has no real prospect of succeeding on the claim.

The court is also referred to Rule 3.4(6) which requires the court to consider whether a

## Addendum 3/3

civil restraint order is appropriate in circumstances where a statement of case has been struck out for being totally without merit.