

ENGLAND AND WALES / JUDGMENT

Michael Fred Hanson v Michael Oliver Hanson

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Neutral citation number: [2025] EWHC 3649 (Comm) IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS IN MANCHESTER CIRCUIT COMMERCIAL COURT (KBD)
Case No. CC-2024-MAN-000031 Courtroom No. 42 Manchester Civil Justice Centre 1 Bridge Street
West Manchester M60 9DJ Thursday, 9th October 2025 B E T W E E N: Before: HIS HONOUR
JUDGE HODGE KC Sitting as a Judge of the High Court MICHAEL FRED HANSON

- and - MICHAEL OLIVER HANSON Claimant Defendant MR DAVID WILLIAMS (instructed by KBL LLP, Blackburn) appeared on behalf of the Claimant THE DEFENDANT appeared in person APPROVED JUDGMENT (Approved on 6 May 2026 without access to relevant documents) This Transcript is Crown Copyright. It may not be reproduced in whole or in part, other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved. HIS HONOUR JUDGE HODGE KC: 1. This is my extemporary judgment in the case of Michael Fred Hanson (as claimant) and Michael Oliver Hanson (as defendant), which is proceeding in the Circuit Commercial Court in Manchester under case number CC-2024-MAN-000031. 2. This is the first of two days set aside for the trial of this claim. The claim is one for the delivery up of a Ferrari 575 motor vehicle, registration number M75MFH, which is said to be owned by the claimant, and a 2005 Fleetwood motorcaravan, registration number T70MOH, which the claimant says is jointly owned by himself and the defendant. 3. The claimant is in his mid-70s. The defendant is his adult son, now aged in his early 50s by the claimant's first wife, Linda. The matter has been the subject of no less than some 11 orders by section 9 judges since, and indeed before, the claim form was issued as long ago as 17 April 2024. The matter began with applications for interim injunctive relief which came before first His Honour Judge Cadwallader and then His Honour Judge Steven Davies back in April and May 2024. Since then, the claim has been the subject of a number of case management orders by different section 9 judges; and there has also been a failed neutral evaluation hearing before His Honour Judge Bever in March 2025. The matter has since then come before His Honour Judge Pearce on two occasions for case management directions; the first on 11 July 2025 and the second on 4 September 2025, pursuant to an application by the claimant to vary directions and to adjourn the trial until next year. That was unsuccessful before His Honour Judge Pearce on 4 September. Judge Pearce ordered witness statements to be served by 26 September; and he re-listed the trial for the 9th and 10 October, in the event before me. 4. Yesterday afternoon, at 2 o'clock, I was referred, through the CE-file alert system, to an application that the defendant had made on

3 October. I was told that the delay in referring the application to me concerned the payment of the appropriate fee by the defendant. I am told that that was not sorted out before the matter was capable of being referred to me at 2 o'clock yesterday afternoon. 5. As things stood yesterday, the position was that the defendant had submitted the following letter to the court. Having referred to the claim number and the name of the case, he stated that he was the defendant and was acting in person in the matter. He attached an application notice to adjourn the case, with a draft order and a letter from his general practitioner as evidence. He stated that he was reluctant to make the application but, due to his poor health, and his inability to secure representation because of the short period left to the trial, he had been left with no alternative but to make his request. He had included the claimant's representatives in the email by way of service. He asked for the matter to be dealt with without a hearing if possible, due to his health. He invited the Court to inform him of the outcome by return of email. He also tendered his apologies for the inconvenience that was caused. 6. The application notice sought, without a hearing, an order that the trial listed for today and tomorrow be vacated and re-listed at a later date. The defendant said that he was seriously unwell and had been, and would be, unable to prepare for trial. He also needed to get legal representatives, and no one would agree to act for him so soon as they needed time to prepare for trial. In box 10, he explained that he was the defendant in the proceedings. Until now, he had been unrepresented, and he had struggled to prepare the matter for trial. He had been seriously unwell with depression and anxiety, compounded by recent episodes requiring emergency attention. His GP had confirmed all that in an attached medical letter dated 3 October. As a result of his ill-health, he had been unable to prepare properly for trial. The defendant now sought legal representation, and a firm of solicitors has agreed, in principle, to act for him. However, they were unable to come on the record, and prepare adequately, unless the trial was adjourned. If the trial were to proceed - in the event, today - he would be unable to represent himself effectively, or to instruct solicitors, which would result in severe prejudice, and a real risk of injustice. He therefore asked for the trial today and tomorrow to be vacated and re-listed at the earliest available date after 1 November, allowing sufficient time for him to instruct solicitors and prepare his defence. 7. The accompanying letter is dated 3 October and is addressed 'To whom it may concern'. It is written by Dr A Green, a general practitioner with the Sabden and Whalley Medical Group, in Whalley in Lancashire. The writer confirms that Mr Hanson is a registered patient at the surgery. He was reviewed by the writer's colleague, Dr Chamberlain, on 22 August 2025 and describes symptoms compatible with mixed depression and anxiety, coupled with the evolution of some suicidal thoughts. As a consequence, the defendant was commenced on anti-depressant therapy in the form of mirtazapine, 15mg once a day. The writer subsequently reviewed the defendant on 11 September. During that consultation Mr Hanson disclosed marked stress that he was under. "He informed me of an episode of chest pain in late August 2025 which had necessitated attendance at the local emergency department". Although Mr Hanson left before full assessment, the writer could see that blood tests were performed which demonstrated a normal troponin one level, which essentially excluded the possibility of any myocardial infarction. A subsequent ECG performed in the surgery on 16

September was unremarkable. Prior to this, the writer had a further conversation with Mr Hanson on 17 July this year in respect to a new diagnosis of hepatic steatosis. The writer concluded by apologising in advance that this letter was relatively brief. However he was only given a few hours' notice given that the letter was required by that afternoon in the context of another busy day in primary care. The writer expresses the hope that the information is of value. 8. That was the material that was before me yesterday afternoon. I directed that the court should seal and issue an order refusing the request for an adjournment of the trial. Since the order was made without a hearing, I included the usual provision, modified to reflect the circumstances of this case, that the defendant might renew his application at the start of the trial today, at 10.30. I gave brief reasons for my refusal of the adjournment request. I said, "The evidence is wholly inadequate to support any adjournment. Further, the application is made far too late. The defendant has had ample time to instruct legal representatives to act on his behalf. The medical evidence fails to satisfy the requirements set out in the case of *Levy v Ellis Carr* [2012] EWCH 63 (Ch) at paragraph 36." I referenced paragraph 3.1.3 of the 1st Volume of Civil Procedure for 2025. 9. The guidance to which I referred emphasises that when it is faced with an application to adjourn on medical grounds, the Court must carefully scrutinise the medical evidence in support. The commentary cites from the judgment of Norris J in the *Levy v Ellis Carr* case at paragraph 36. I quote: "Such evidence should identify the medical attendant and give details of his familiarity with the party's medical condition, detailing all recent consultations; - I accept that that has been done - should identify with particularity what the patient's medical condition is, and the features of that condition which, in the medical attendant's opinion, prevent participation in the trial process; should provide a reasoned prognosis; and should give the Court some confidence that what is being expressed is an independent opinion after a proper examination. It has been tendered as expert evidence. The Court can then consider what weight to attach to that opinion and what arrangements might be made short of an adjournment to accommodate a party's difficulties. No judge is bound to accept expert evidence. Even a proper medical report falls to be considered simply as part of the material as a whole, including the previous conduct of the case." 10. In the course of his skeleton argument for this hearing, Mr David Williams (of counsel), who represents the claimant, had referred to the application to vacate the trial date and to re- list it on the first available date after 1 November. He had pointed out that the letter of 3 October indicated that the defendant had been suffering from depression and anxiety, but stops short of saying that he was medically unfit to deal with the proceedings. It was said that the letter also failed to meet the requirements in the *Levy v Ellis Carr* judgment. By way of example, it did not explain which features of the defendant's condition would prevent his participation in the trial process. It seemed to me yesterday afternoon that that was a point validly and fairly made.

11. As my order had provided, the defendant, as a litigant in person, renewed his application for an adjournment before me at the start of the trial this morning. He did so in measured and restrained tones. He appeared to be fully able to advance his case, limited though it was

simply to seeking an adjournment. He explained that he was unable to find solicitors in time for this trial. He had appeared recently in another legal case, unrelated to the present, and as a result of that he had come to recognise that he would struggle to represent himself in court. He had also intended to appear today with a McKenzie Friend; but due to the unforeseen, and unforeseeable, illness of the McKenzie Friend's partner, that person was not available to assist him today.

12. The defendant indicated that he had found lawyers, whom he identified as Gaskell Law Limited, who were prepared to take the case on; but they had told him that they had had insufficient time to prepare for a trial today. He said that in the case to which I made reference in my reasons yesterday, there had been no supporting medical evidence, whereas he had, in fact, provided medical evidence in the form of the letter dated 3 October from Dr A Green. He emphasised that he had no legal qualifications, he had never found himself in the present situation before, and he had not had the funds available to employ a legal team.
13. The defendant also provided a number of documents which he invited the Court to read. The Court has done so. The first was a document headed 'Renewed application for 30-day adjournment and extension of time to file defence'. The grounds that are stated for an adjournment are that: (1) The defendant suffers from chronic anxiety and stress resulting in ongoing medical supervision. (2) The defendant has now supplied further medical evidence clarifying how these conditions have affected his ability to prepare a defence. (3) The defendant has also sought legal advice, but his advisors have confirmed that there is insufficient time to prepare, and present, a full defence before the current trial date. (4) Under CPR 3.1.2(b), and the overriding objective in CPR 1.1, the Court has discretion to adjourn proceedings to ensure fairness and allow reasonable opportunity for case preparation. (5) The defendant's updated medical evidence satisfies the requirements referred to in *Levy v Ellis Carr*. The relief sought is a 30-day adjournment of the current trial listing, permission for the defendant to file and serve his defence within 21 days of this order, and costs reserved. In fact, there is no more updated medical evidence than was before the Court yesterday. Also, this is not a case where the defendant needs to file and serve a defence, and indeed counterclaim, although that has since been struck out for non-payment of the counterclaim fee; and had been filed before August 2024, which is the date of the reply and defence to the counterclaim. However, what the defendant has not done is to file any evidence in support of his defence, contrary to the procedural and case management directions in the most recent case management order of His Honour Judge Pearce dated 4 September 2025. To that extent, the defendant has no evidence on which to rely; and his role in the trial will be limited to cross-examination of the claimant, who is the sole witness in support of the claim.
14. The second document presented was a draft order for a 30-day adjournment. There was then a witness statement from Mr Hanson, the defendant, which, at the Court's invitation, he has now signed under the statement of truth. In that witness statement, he explains that he has not had sufficient time to prepare his defence due to a lack of available funds for legal

assistance. He explains that he is not presently in any financial position to pay for full legal representation; but he has actively sought professional legal help. The legal team he has consulted are willing to assist him; but they have advised that there is insufficient time before the hearing listed today to prepare and present an adequate defence. Again, he invokes CPR 3.1.2(b) and the overriding objective in CPR 1.1 to deal with cases justly. He emphasises the need to ensure fairness and proper case preparation.

15. He refers to the letter from Dr A Green, confirming that he is receiving ongoing treatment for anxiety and depression, and has required emergency assessment due to stress. This evidence clarifies how his health has directly affected his ability to prepare his defence, and satisfies the evidential threshold referred to in the *Levy v Ellis Carr* authority. He refers to the Court's power to grant relief from sanctions where there is a good reason for non-compliance in CPR 3.9. He asserts that his medical condition and treatment constitute such a reason. 16. For those reasons, he requests a 30-day adjournment to enable him to finalise his defence - by which I think he means his witness evidence - with the assistance of his legal advisors. He says that he is not seeking to delay matters unnecessarily, but only to ensure that his case is presented fully and fairly.
17. The defendant also produced a statement in support of his request for an adjournment. He handed this up in written form, and read it out orally in support of his adjournment application. He confirms that he has made the request as soon as he possibly could; and all parties have been put on notice, and provided with copies of the application and supporting medical evidence in advance of today's hearing. He explains that he had every intention of preparing his case in good time but, due to his ill-health, he has been unable to do so properly. He has provided medical evidence confirming that he is under treatment for anxiety and depression, and that these conditions have affected his ability to prepare his case effectively. As a result, he has sought to obtain legal representation. Gaskell Law Limited have confirmed that they are willing to take on the case, but only if an adjournment is granted, as they consider it professionally impossible to prepare the matter adequately within the current timetable.
18. Referring to the Court's earlier order, and the reference to *Levy v Ellis Carr*, the defendant makes the point that there the Court made clear that procedural defects may be remedied where fairness requires it, provided sufficient evidence is produced. He says that he has now supplied independent medical evidence, clearly explaining his circumstances, which satisfies that requirement. He says he has read Mr Williams's submissions. With respect, he says that his father - the claimant - is not a medical expert, and therefore cannot properly comment upon the opinion of a qualified medical practitioner: only another suitably qualified expert could raise such an issue.
19. The defendant believes that his situation falls within the exceptional circumstances contemplated in *Levy v Ellis Carr*. That is because he has demonstrated that he has not been well enough to prepare his case, and has provided supporting medical documentation confirming this. If the matter is not adjourned, he says he will be seriously prejudiced. Any

advantage to the claimant - or to the court - in refusing an adjournment would be outweighed by the prejudice caused to the defendant by being denied a fair opportunity to prepare and present his defence. He reiterates his request that the Court grant an adjournment to allow him the opportunity to have a fair and just hearing, with appropriate time to prepare his case properly, and with legal assistance. Those are the submissions. 20. I have to approach this application bearing in mind the overriding objective referenced by the defendant of dealing with the case justly and at proportionate cost. I have to try and ensure that the parties are on an equal footing, and can participate fully in the proceedings, and that the parties and witnesses can give their best evidence. I have to try to save expense, whilst dealing with the case in ways which are proportionate. I have also to ensure that it is dealt with expeditiously and fairly, whilst allotting to it an appropriate share of the court's resources, and taking into account the need to allot resources to other cases. I also have to enforce compliance with court rules, practice directions, and court orders. I also have to consider the extent to which the defendant may, because of any physical disability or impairment or health condition, be considered to be a vulnerable party, and consider the extent to which that may impede his participation in the proceedings. 21. Since my decision yesterday, I have read into the case. I have now discovered that this is a case where both parties have, at times, been acting as litigants in person. The claimant is now represented again by KBL LLP of Blackburn. They had been instructed by him initially; but they had ceased to act between 10 January and 28 July this year. On the latter date, they came back on to the record.

22. The defendant, too, has had solicitors acting for him, Westbrook Law Limited, solicitors practising in London. They were acting for him at the time of the defence and counterclaim, although they came off the record pursuant to an order made by His Honour Judge Stephen Davies as long ago as 27 January 2025. However, this is not a case in which the defendant has been without legal representation right from the very start of the proceedings. 23. I have to bear in mind that this is a case where two case management orders have been made regarding the service of witness evidence. The first was Judge Pearce's order of 11 July 2025, which directed witness evidence by 4pm on 29 August. That direction was varied on the application, not of the defendant, but of the claimant. As a result, Judge Pearce made another order dated 4 September 2025. That provided for witness statements to be filed and served by 4pm on 26 September. I note that the defendant had appeared in person on that occasion. The order was preceded by the following rubric which appears in bold type: "This order contains directions for trial which must be complied with in the time stated within the order. Any non-compliance may lead to a party's case being struck out in whole or in part and/or the party being prevented from relying on evidence. Accordingly, any party who cannot comply with the directions should apply as soon as possible to vary them."
24. That order was sealed on 18 September 2026. The claimant filed evidence in response to that; the defendant did not do so. The claimant's witness statement is dated 25 September 2025, and it was apparently served by email on 26 September. On 26 September, just before 10am, the claimant's solicitor sent an email to the defendant saying: "The order dated 4

September confirms witness statements are to be filed and served by 4pm today”, referencing paragraph 3 of the order. The letter continued: “I am holding my client’s signed statement. Please can you confirm when you are ready to exchange documents”. The response from the defendant, at 3.15 pm on 26 September, was short and to the point. “I have nothing further to add to my original witness statement”. I have been through the whole of the CE-file, which I should record extends to no less than 140 separate case entries, but I cannot see any witness statement from the defendant, even in connection with the interim injunction applications.

25. The position therefore is that the defendant has made a deliberate decision not to rely upon any evidence in defence of the claim. I appreciate that that will put him in difficulties at trial; but that is the decision that he has taken. Even if the Court were to grant an adjournment, that position would not change unless, and until, the defendant were to make an application for permission to rely upon any witness evidence. In order to do so, he would, of course, have to seek relief from sanctions in accordance with CPR 3.9. In order to obtain such relief, he would, of course, have to satisfy the well-known threefold test in the case of *Denton v TH White Ltd* [2014] EWCA Civ 906, reported at [2014] 1WLR 3296. The test is summarised at paragraph 3.9.3 of Volume 1 of the current edition of Civil Procedure. First, the defendant would have to identify and assess the seriousness and significance of the breach of the Court’s order for service of witness evidence. Secondly, he would have to address the reasons why he was in breach. The Court would then have to undertake the third stage evaluation of all the circumstances of the case so as to enable the Court to deal justly with the application.
26. I am satisfied that the real reason why the defendant will be in difficulties at trial is the fact that he has not put in any witness evidence. There is no application for relief from sanctions to enable him to do so. It is against that background that I must consider the present renewed application for an adjournment. The expert medical evidence is no different from what it was before the Court yesterday. As I have already indicated, when referring to the guidance given by Norris J, the letter identifies the medical attendant and gives details of his familiarity with the defendant’s medical condition; it details all recent consultations; and it identifies what the patient’s medical condition is. What it says is that the defendant appears to be describing symptoms compatible with mixed depression and anxiety, coupled with the evolution of some suicidal thoughts. He has been prescribed anti-depressant therapy. He is under marked stress, but tests have not indicated anything clinically more serious. There has also been a diagnosis in July of hepatic steatosis.
27. What the letter does not do is to identify the features of the condition which, in the general practitioner’s opinion, would prevent any participation in the trial process. Indeed, the letter is addressed ‘To whom it may concern’. There is no internal indication that the general practitioner was aware that this letter was being written to be placed before the Court, in the context of an application for an adjournment of pending legal proceedings that had been listed for hearing by Judge Pearce’s order made on 4 September, over a month ago. Nor is there any form of reasoned prognosis. There is no indication of whether an adjournment of

the length sought, or any other length, would result in the matter coming back before the Court at a time when the existing stress and depression from which the defendant is suffering might have been materially relieved. In other words, there is no indication that an adjournment of this trial was considered necessary by the medical practitioner, or that any adjournment of the period sought would result in any material improvement in the defendant's stressed and depressed condition. It is common knowledge that the fact that litigation is hanging over one is itself a cause of continuing stress, and may lead to symptoms of clinical depression.

28. Therefore, I am not satisfied, even on a renewed examination, that the medical evidence is anywhere near sufficient to justify an adjournment of the trial. So far as the need for legal representation is concerned, the defendant has had this in the past, and he has had ample opportunity to re-instruct lawyers, should he have chosen to do so, in the same way that the claimant has apparently chosen to do so when he re-engaged his present solicitors at the end of July 2025, between the two case management hearings before Judge Pearce on 11 July and 4 September. 29. I recognise that the defendant will have difficulties in the conduct of his defence; but that is more the result of his failure to comply with the order for service of any witness evidence than as a result of any stress or depression of a clinical nature to which he is presently subject. I observe that the defendant has been able to express himself clearly, coherently, and cogently in court in support of his adjournment application; and he has done so with great courtesy to the Court.
30. Therefore, for those reasons, expressed perhaps at a greater length than is necessary, I refuse the renewed application for an adjournment of the trial, which will now proceed. End of Judgment. 11 Transcript of a recording by Acolad UK Ltd 291-299 Borough High Street, London SE1 1JG Tel: 020 7269 0370 legal@ubiquis.com Acolad UK Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof 12

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