

World Proteins Kft v Persons Unknown

Queen's Bench Division

02 April 2019

Case Analysis

Where Reported

[2019] 4 WLUK 35;

Case Digest

Subject: Civil procedure

Keywords: Email; Fraud; Freezing injunctions

Summary: An interim freezing injunction was continued in respect of an email fraud where an impostor interposed himself between a company and its supplier's legitimate correspondence, causing the company to pay €500,000 into the impostor's UK bank account. The court was satisfied that the company had a good arguable case in respect of several causes of action and that there was a real risk of the dissipation of assets.

Abstract: The applicant company applied for the continuation of a without notice interim freezing injunction against the respondent persons unknown.

The company had a longstanding supplier (F) from which it had received two legitimate invoices. Emails had passed between the two in respect of outstanding payments. The company then received emails which purported to be from F, but were false, and included the chain of previous legitimate emails. The false emails requested payment of outstanding amounts of €1.5 million and €500,000, and attached new bank details at Barclays. The company paid the amounts into that account. When it realised it had been dealing with an impostor it was able to recall and recoup the €1.5 million payment, but not the €500,000. It obtained the interim injunction against persons unknown. The disclosure of bank records enabled the identification of the account holder (M) and his UK address. M was served with notice of the instant application but had not responded. The frozen Barclays account contained €350,000 of the €500,000. The remaining amount had been transferred to three accounts in Dubai.

Held: Application granted.

Given the nature of the obvious fraud, the applicant had a good arguable case against M in respect of several causes of action including a proprietary claim, knowing receipt, deceit and fraudulent misrepresentation, unjust enrichment, and restitution, [CMOC v Persons Unknown \[2017\] EWHC 3599 \(Comm\)](#), [\[2017\] 10 WLUK 532](#) and [CMOC Sales and Marketing Ltd v Persons Unknown \[2018\] EWHC 2230 \(Comm\)](#), [\[2019\] Lloyd's Rep. F.C. 62](#), [\[2018\] 7 WLUK 651](#) considered. It was clear that assets were held in the UK in the Barclays account and there was an obvious and real risk of their dissipation. M's lack of response to notice of the instant application increased that risk. Now that his identity was known, he was added to the proceedings under [CPR 19.2.4](#).

Judge: Anthony Metzer QC

Counsel: For the applicant: Joseph England. For the respondent:

No appearance or representation.

Significant Cases Cited	CMOC Sales and Marketing Ltd v Persons Unknown [2018] EWHC 2230 (Comm) ; [2018] 7 WLUK 651 ; [2019] Lloyd's Rep. F.C. 62 ; QBD (Comm); 26 July 2018 CMOC v Persons Unknown [2017] EWHC 3599 (Comm) ; [2017] 10 WLUK 532 ; QBD (Comm); 23 October 2017
All Cases Cited	CMOC Sales and Marketing Ltd v Persons Unknown [2018] EWHC 2230 (Comm) ; [2018] 7 WLUK 651 ; [2019] Lloyd's Rep. F.C. 62 ; QBD (Comm); 26 July 2018 CMOC v Persons Unknown [2017] EWHC 3599 (Comm) ; [2017] 10 WLUK 532 ; QBD (Comm); 23 October 2017
Significant Legislation Cited	CPR r.19.2
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