

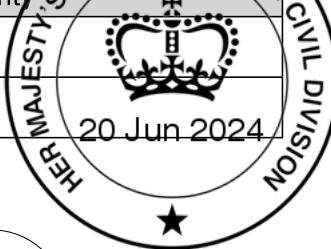
Appellant's notice

(All appeals except small claims track appeals and appeals to the Family Division of the High Court)

Notes for guidance are available which will help you complete this form. Please read them carefully before you complete each section.

For Court use only	
Appeal Court Ref. No.	
Date filed	
20 Jun 2024	

CA-2024-001342
SEAL Submitted Date:
17-06-2024



Section 1 Details of the claim or case you are appealing against

Claim or Case no.	Case No: BV20D01752	Fee Account no. (if applicable)
Help with Fees - Ref no. (if applicable)	H W F - - 	
Name(s) of the	<input type="checkbox"/> Claimant(s) <input checked="" type="checkbox"/> Applicant(s) <input type="checkbox"/> Petitioner(s)	
	Nadia Zahmoul	
Name(s) of the	<input checked="" type="checkbox"/> Defendant(s) <input type="checkbox"/> Respondent(s)	
	Karim Noureddine Zahmoul	

Details of the party appealing ('The Appellant')

Name	Nadia Zahmoul
Address (including postcode)	Currently staying with a friend.
	Tel No. 0791 332 8615
	Fax
	E-mail Nadia@rosekross.com

Details of the Respondent to the appeal

Name	Karim Noureddine Zahmoul
Address (including postcode)	158 Rua Rodrigues Sampaio, 1 Esq, Lisboa, Portugal, 1150-282
	Tel No.
	Fax
	E-mail

Details of additional parties (if any) are attached

Yes No

Section 2 Details of the appeal

From which court is the appeal being brought?

- The County Court at
[Redacted]
- The Family Court at
[Redacted]
- High Court
 - Queen's Bench Division
 - Chancery Division
 - Family Division
- Other (please specify)
[Redacted]

What is the name of the Judge whose decision you want to appeal?

What is the status of the Judge whose decision you want to appeal?

- District Judge or Deputy Circuit Judge or Recorder Tribunal Judge
- Master or Deputy High Court Judge or Deputy Justice(s) of the Peace

What is the date of the decision you wish to appeal against?

Is the decision you wish to appeal a previous appeal decision?

Yes No

Section 3 Legal representation

Are you legally represented?

Yes No

If Yes, is your legal representative (please tick as appropriate)

- a solicitor
- direct access counsel instructed to conduct litigation on your behalf
- direct access counsel instructed to represent you at hearings only

Name of your legal representative

The address (including postcode) of your legal representative

Tel No.	
Fax	
E-mail	
DX	
Ref.	

Are you, the Appellant, in receipt of a Civil Legal Aid Certificate?

Yes No

Is the respondent legally represented?

Yes No

If 'Yes', please give details of the respondent's legal representative below

Name and address (including postcode) of the respondent's legal representative

Tel No.	
Fax	
E-mail	
DX	
Ref.	

Section 4 Permission to appeal

Do you need permission to appeal?

Yes No

Has permission to appeal been granted?

Yes (Complete Box A)

No (Complete Box B)

Box A

Date of order granting permission

Name of Judge granting permission

Box B

I

the Appellant(’s legal representative) seek permission to appeal.

If permission to appeal has been granted **in part** by the lower court, do you seek permission to appeal in respect of the grounds refused by the lower court?

Yes No

Section 5 Other information required for the appeal

Please set out the order (or part of the order) you wish to appeal against

Have you lodged this notice with the court in time?
(There are different types of appeal - see Guidance Notes N161A)

Yes No

If ‘**No**’ you must also complete
Part B of Section 10 and Section 11

Section 6 Grounds of appeal

Please state, in numbered paragraphs, **on a separate sheet** attached to this notice and entitled ‘Grounds of Appeal’ (also in the top right hand corner add your claim or case number and full name), why you are saying that the Judge who made the order you are appealing was wrong.

I confirm that the grounds of appeal are attached to this notice.

Section 7 Arguments in support of grounds for appeal

I confirm that the arguments (known as a ‘Skeleton Argument’) in support of the ‘Grounds of Appeal’ are set out **on a separate sheet** and attached to this notice.

OR (in the case of appeals other than to the Court of Appeal)

I confirm that the arguments (known as a ‘Skeleton Argument’) in support of the ‘Grounds of Appeal’ will follow within 14 days of filing this Appellant’s Notice. A skeleton argument should only be filed if appropriate, in accordance with CPR Practice Direction 52B, paragraph 8.3.

Section 8 Aarhus Convention Claim

For applications made under the Town and Country Planning Act 1990 or Planning (Listed Buildings and Conservation Areas) Act 1990

I contend that this claim is an Aarhus Convention Claim Yes No

If Yes, and you are appealing to the Court of Appeal, any application for an order to limit the recoverable costs of an appeal, pursuant to CPR 52.19, should be made in section 10.

If Yes, indicate in the following box if you do not wish the costs limits under CPR 45 to apply. If you have indicated that the claim is an Aarhus claim set out the grounds below

Section 9 What are you asking the Appeal Court to do?

I am asking the appeal court to:-
(please tick the appropriate box)

- set aside the order which I am appealing
- vary the order which I am appealing and substitute the following order. Set out in the following space the order you are asking for:-

- order a new trial

Section 10 Other applications

Complete this section **only** if you are making any additional applications.

Part A

- I apply for a stay of execution. (You must set out in Section 11 your reasons for seeking a stay of execution and evidence in support of your application.)

Part B

- I apply for an extension of time for filing my appeal notice. (You must set out in Section 11 the reasons for the delay and what steps you have taken since the decision you are appealing.)

Part C

- I apply for an order that:

(You must set out in Section 11 your reasons and your evidence in support of your application.)

Section 11 Evidence in support

In support of my application(s) in Section 10, I wish to rely upon the following reasons and evidence:

Section 11 (continued). Application for stay of execution.

I seek an urgent stay of execution to ensure fairness of the proceedings.

The respondent initiated a transfer of real estate properties in the US. I am attaching his email correspondence.

For reasons mentioned in the Appellant Notice and in the grounds for appeal, I was not able to participate in the proceedings due to the court's failure to make participation measures and reasonable accommodations for my mental health disabilities. My capacity to litigate and participate had been undermined and I did not have the resources, assistance, and participation measures to compensate for my disabilities and afford me an equal playing field.

As a result, the court order was made unilaterally by the respondent and his legal team, representing his best interests only, at the expense of mine and the children's.

It contains several irregularities, false representations, and acts of fraud. I will focus only on the impact of real estate taxes on a transfer of real estate. Please note that the judgment is wrong.

- (i) The division of real estate units in Brooklyn, New York was never agreed. It is a unilateral division of assets made by the respondent, for the respondent, and without my consent.
- (ii) The valuations used are outdated and are not agreed. Appraisals had expired as per US industry regulations. The appraisals for the Brooklyn units were made in September 2020, and the valuations for the Wyoming houses were made in May 2022. Both were due for renewal. I tried to agree a joint instruction to update the property appraisals before the final hearing, but the respondent opposed it, citing the cost of appraisals, which was \$1,500 for four units in Brooklyn. This is a devious and underhanded tactic to allocate lower values than the current market values, presumably to his benefit.
- (iii) Contrary to what the judgment states, the respondent did not provide any tax computations for the potential impact of real estate transfers pursuant to a divorce. As I am a US citizen and he is a French citizen, the tax ramifications are significant and asymmetrical. My US CPA provided an analysis of potential tax ramifications of real estate transfers on 6 August 2021 as per the court order of 7 April 2021. He updated the tax figures on 16 February 2024 for the final hearing. The report was in the court bundle for the final hearing. The respondent did not provide any tax analysis for the US real estate.
- (iv)

- a. ***Transfers from Nadia to Karim:***
 - i. ***A property transfer from Nadia to Karim will result in gain recognition of all unrealized appreciation associated with the property.***
 - ii. ***Karim will receive a ‘stepped-up’ basis on the transferred asset.***
- b. ***Transfers from Karim to Nadia***
 - i. ***While still married, Karim can make property transfers to Nadia with no federal income tax consequences as the transfer can be effectively treated as a gift.***
 - ii. ***Nadia will receive Karim’s basis in the property (presumably there will be a built-in gain)***

The respondent's counsel drafted the order unilaterally, without my participation, and did not share the drafts with me prior to sending to the judge. The respondent simply ignored taxes on real estate exchanges because there is no impact to him.

On the other hand, transfers from me to him result in a huge tax on gain recognition payable by me **which he does not want to share.**

As such, the respondent instructed his counsel to draft a final court order which results in a division of real estate assets between the two parties **which is not fair and which is not equal.**

The court order is written for his benefit only and states that each party is only responsible for his/her own taxes. Nothing in the court order requires the respondent to equate the **after-tax value of real estate assets.**

There are no tax ramifications to him and there are significant taxes payable by me upon transfer of real estate assets from me to him pursuant to a divorce decree.

The order is drafted to ensure that the tax impact is borne by me only and is not shared between the two parties.

The court order is a legal instrument written by the respondent's legal counsel to give him control over the division of assets, control over the valuation of the assets, and to grant him an unfair advantage at my expense.

Since the respondent had the privilege of making the court order by himself, unilaterally, everything in the order is one-sided. Every single asset distribution is to his benefit and creates a financial loss to me. This is a good illustration of what the respondent has achieved with this unilateral, one-sided court order.

Putting numbers on the real estate exchange transaction, the final value of the real estate assets to the respondent upon exchange is **\$5,155,795** and the value to me (net of taxes) is **\$3,962,782**. The value of the respondent's share in real estate assets is greater than mine by an amount of **\$1,193,013..**

The transfer of real estate assets from me to the respondent will result in gain recognition of all unrealized appreciation associated with the real estate assets. Taxes payable by me upon exchange are **\$1,044,759.**

In contrast, the respondent can make property transfers to me with no federal income tax consequences whatsoever as the transfer can be effectively treated as a gift.

The court order as it is written results in a division of real estate which is unfair and unequal

The respondent has initiated the real estate exchange under the terms of the court order. I am attaching an email he sent yesterday.

I am urging the Appeal Court to grant an urgent stay of proceedings because there is a real risk of injustice to me. The court order was drafted by one party only and all the risks are on my side.

- If the stay is refused, what are the risks of the appeal being stifled?
- i. **If a stay is granted and the appeal fails, the respondent will be able to enforce the judgment as soon as the stay is lifted. The risks to him are negligable.**
 - ii. **If a stay is refused and the appeal succeeds, and the judgment is enforced in the meantime, the probability that I will be able to recover the differential between the value of the real estate exchange to him vs the value to me is nil.**

There is a real risk of injustice if the stay is not granted, and the outcome is not symmetrical. In other words, if the stay is granted there is no risk to the respondent.

As such, I am seeking the Appeal Court's urgent intervention to grant a stay of proceedings as soon as possible to ensure the overriding objective.

Vulnerability

Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

No

Statement of Truth

This must be completed in support of the evidence in Section 11

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- I believe** that the facts stated in section 11 are true.
- The applicant believes** that the facts stated in section 11 are true. **I am authorised** by the applicant to sign this statement.

Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day Month Year

Full name

Name of applicant's legal representative's firm

If signing on behalf of firm or company give position or office held

Section 13 Supporting documents

To support your appeal you should file with this notice all relevant documents listed below. To show which documents you are filing, please tick the appropriate boxes.

If you do not have a document that you intend to use to support your appeal complete the box over the page.

In the County Court or High Court:

- three copies of the appellant's notice for the appeal court and three copies of the grounds of appeal;
- one additional copy of the appellant's notice and grounds of appeal for each of the respondents;
- one copy of the sealed (stamped by the court) order being appealed;
- a copy of any order giving or refusing permission to appeal; together with a copy of the judge's reasons for allowing or refusing permission to appeal; and
- a copy of the Civil Legal Aid Agency Certificate (if legally represented).

In the Court of Appeal:

- three copies of the appellant's notice and three copies of the grounds of appeal on a separate sheet attached to each appellant's notice;
- one additional copy of the appellant's notice and one copy of the grounds of appeal for each of the respondents;
- one copy of the sealed (stamped by the court) order or tribunal determination being appealed;
- a copy of any order giving or refusing permission to appeal together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- one copy of any witness statement or affidavit in support of any application included in the appellant's notice;
- where the decision of the lower court was itself made on appeal, a copy of the first order, the reasons given by the judge who made it and the appellant's notice of appeal against that order;
- in a claim for judicial review or a statutory appeal a copy of the original decision which was the subject of the application to the lower court;
- one copy of the skeleton arguments in support of the appeal or application for permission to appeal;
- a copy of the approved transcript of judgment; and
- a copy of the Civil Legal Aid Certificate (if applicable)
- where a claim relates to an Aarhus Convention claim, a schedule of the claimant's financial resources

Reasons why you have not supplied a document and date when you expect it to be available:-

Title of document and reason not supplied	Date when it will be supplied

Section 14 The notice of appeal must be signed here

Signed

Nadia Zahmoul

Appellant('s legal representative)

Find out how HM Courts and Tribunals Service uses personal information you give when you fill in a form.

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

I make this Appellant Notice on an urgent basis in the interest of justice, and to uphold my rights under Article 6 and Article 14 of The Convention for the Protection of Human Rights ("the Right for a Fair Trial" and "Protection from Discrimination").

GROUNDS	DESCRIPTION	RULE OR PD BREACHED
Ground 1	The judgment fails to consider my mental health disabilities and demonstrates an apparent bias.	
Ground 2	Court's failure in its duty to consider making participation directions: victims of domestic abuse (FPR 3A.2A)	3A.2A
Ground 3	Court's failure in its duty to consider how a party can participate in the proceedings (FPR 3A.4 and 3A.5)	3A.4 and 3A.5
Ground 4	Court's failure in its duty to assist a protected party participate in proceedings (Part 15 and Part 3A.6)	3A.6
Ground 5	Court's failure in its duty to consider the factors in 3A.7 to assist me in participating in the proceedings.	3A.7
Ground 6	Court's failure to consider measures in 3A.8 to assist me in participating in the proceedings.	3A.8
Ground 7	Court's failure to record reasons for decisions made under Part 3A.	3A.9
Ground 8	Court's failure to follow the procedures where the court makes directions of its own initiatives as set out in rule 4.3(2) to (6)	4.3 (2) to (6)
Ground 9	Court's failure to consider Part 15 - representation of protected parties (FPR 15.3)	
Ground 10	Court's failures under Practice Direction 3AA	
Ground 11	Court's failure to consider salient autism features and sensory difficulties	
Ground 12	Procedural irregularities in the final order and cost orders	
Ground 13	MPS order was unlawfully revoked.	
Ground 14	Execution of the order must be stayed because the numbers are wrong and because the process was procedurally unfair.	
Ground 15	Inconsistencies in judgment and presence of bias.	
Ground 16	Judgment is inconsistent with respondent witness evidence and demonstrates presence of bias.	
Ground 17	Judge's finding that Coinbase is a "late disclosure", not a "non-disclosure" is defective, and his reasoning is irrelevant to the matter.	

GROUNDS	DESCRIPTION	RULE OR PD BREACHED
Ground 19	<u>THE TRIAL COURT ERRED AS A MATTER OF LAW BY REVOKING THE MPS ORDER IN VIOLATION OF THE RULES SET FORTH IN THE MATRIMONIAL CAUSES ACT 1973 CHAP 18, PART II.</u>	
Ground 20	<u>THE REVOCATION OF THE MPS ORDER WAS PROCEDURALLY IRREGULAR, UNFAIR, AND BIASED.</u> 1) THE JUDGE REVOKED THE MPS WITHOUT MAKING AN ORDER. 2) THE JUDGE MADE A DECISION WHICH WAS UNFAIR, UNJUST, AND BIASED. I WAS ROBBED OF MY VOICE AND MY RIGHT TO A FAIR TRIAL, I WAS SILENCED BY FORCE AND WAS NOT ALLOWED TO ARGUE MY CASE. THE JUDGE'S DECISION WAS AUTHORITARIAN AND AUTOCRATIC. 3) THE JUDGE FAILED IN HIS OVERRIDING DUTY TO PROTECT THE CHILDREN FROM ABUSE, CONTROL, ECONOMIC HARDSHIP AND DISTRESS. 4) THE TRIAL COURT AND THE COURT OF APPEALS ARE UTTERLY INDIFFERENT TO THE WELFARE OF THE CHILDREN AND HAVE ENABLED THE ACTS OF ABUSE, COERCION, AND CRUELTY CARRIED OUT BY THE RESPONDENT.	Matrimonial Causes Act 1973. CHAPTER 18. PART II
Ground 21	<u>PROCEDURAL IRREGULARITIES AND OPAQUE PROCESS.</u> IN FACT, THE MAINTENANCE ORDER WAS NOT REVOKED BY THE JUDGE. IT WAS MS. CAMPBELL KC, THE RESPONDENT'S COUNSEL WHO MADE THE ORDER TO REVOKE THE MPS AND CANCEL THE ARREARS OUTSTANDING SINCE FEBRUARY. THIS IS A HIGHLY UNETHICAL AND DISTURBING MOVE. THE TIMELINE OF THE REVOCATION DEMONSTRATES HOW INDIFFERENT THE COURTS AND THE OTHER SIDE ARE TO THE CHILDREN'S WELFARE. WHATEVER THE RESPONDENT, HIS TEAM, AND THE COURT ARE PRIORITIZING, IT IS DEFINITELY NOT THE CHILDREN'S BEST INTEREST. 1) ON 2 MAY AT 12:25 AM I SUBMITTED AN APPLICATION FOR ENFORCEMENT OF THE MPS ORDER AND COPIED THE OTHER SIDE. 2) ON 2 MAY AT 4:59 PM OPPOSING COUNSEL SENT ME THE DRAFTS STATING: "THESE ARE THE DOCUMENTS I WILL SUBMIT TOMORROW". 3) ON 3 MAY AT 2:08 PM, MS. CAMPBELL EMAILS THE CLERK: "Please find attached (a) my draft order in word; (b) My excel schedule confirming the figures and net effect; and (c) A PDF including Ms Amaouche's submissions in respect of costs; The proposed anonymisations to the judgment; and submissions in respect of anonymisation".	
	This order is completely different from the one sent me on 2 May at 4:59pm. IN THE DRAFT ORDER OF 3 MAY AT 2:08 PM, MS. CAMPBELL ADDED A NEW SECTION TITLED "PERIODICAL PAYMENTS" AND INSERTED PARA. 34 WITH AN ACCOMPANYING BUBBLE COMMENT STATING: "NEW TO DEAL WITH UNPAID HISTORIC PERIODICAL PAYMENTS".	
Ground 22	<u>VIOLATION OF OUR HUMAN RIGHTS UNDER ARTICLE 3 OF THE CONVENTION: FREEDOM FROM TORTURE AND INHUMAN OR DEGRADING TREATMENT.</u> The court orders, the order for costs, and the submissions for anonymisation were produced under economic, emotional, and mental duress and coercion. They are fraudulent, false, and utterly illegal. The legal proceedings since 28 February 2024 to date have been highly irregular. The respondent has not made any payments under the MPS order since February. He has not made any payment under the "final order" of 24 May 2024, despite making several asset liquidations. The children and I have been subjected to abuse, economic duress, and cruelty for eight months. The respondent has not sent a penny since February. <u>WE HAVE NO HOME, NO MONEY FOR FOOD, GROCERIES, AND BASIC NECESSITIES.</u> The High Court and the Court of Appeals have been largely indifferent to our inhuman circumstances and THE HIGH COURT AND THE COURT OF APPEALS HAVE BEEN LARGELY INDIFFERENT TO OUR TORTURE, INHUMAN AND DEGRADING TREATMENT FOR 8 MONTHS. THE COURTS HAVE NOT TAKEN A SINGLE STEP TO PROTECT THE CHILDREN IN EIGHT MONTHS. THIS IS ABUSE OF POWER, DURESS AND COERCION FOR THE PURPOSE OF OPPRESSING ME AND FORCING ME TO ACCEPT A FRAUDULENT DIVISION OF ASSETS.	
Ground 23	<u>THE JUDGMENT FAILS TO CONSIDER JADE MIA'S LIFE-LONG SPECIAL NEEDS AND SUPPRESSES THE EVIDENCE SUBMITTED TO THE COURT.</u> The judgment denies Jade Mia's special needs and falsely asserts that no evidence was made to the court with regards to her special needs. This is inaccurate and false. Jade Mia has life-long special needs which were extensively documented and evidenced at the final hearing, in my witness evidence, and throughout the four-year proceedings. The respondent's own Form E dated 16 March 2021 states that Jade Mia has complex neurological conditions, and several special needs which require daily support and medical care. In my application for MPS/LSCO of 20 April 2023, exhibit NZ1 focusses on Jade Mia's neurological complexities and needs. It includes three Educational Psychological reports, the assessment of her socialisation skills (autism), and approximately 50 reports by Professor Peter Hill, consultant psychiatrist for children and adolescents. Jade Mia has been under his continuous care since 2013. The judge's findings are baseless, and contradict the evidence produced at the final hearing and in my witness evidence. It is extremely damaging to Jade Mia's welfare.	