

Neutral Citation No: [2026] NIKB 39	Ref: OHA13102
<i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i>	ICOS No: 25/036618/01/A01
	Delivered: 29/06/2026

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

KING'S BENCH DIVISION

BETWEEN:

MICHELE MORTON

Plaintiff/Appellant

and

CLANMIL HOUSING ASSOCIATION

Defendant/Respondent

The Plaintiff appeared as a Litigant in Person

Mr Michael Neeson (instructed by Clyde & Co Solicitors) for the Defendant/Respondent

O'HARA J

Introduction

[1] This is an appeal by the plaintiff from a decision of Master Bell on 16 September 2025. She had applied for discovery against the defendant before having to serve a statement of claim. The Master did not grant that application but did allow her an extra 12 weeks to serve her statement of claim. In doing so, he recognised that she is a litigant in person with a level of disability but he was not persuaded that the discovery sought was appropriate and necessary at this stage of the case.

[2] The defendant does not resist the request for extra time for the plaintiff to serve the statement of claim but does resist the application for discovery at this stage.

Background

[3] To help to set this application and appeal in context, I set out below the terms of the summons issued before the Master:

“That all parties concerned attend ... on the hearing of an application on the part of the plaintiff for an order for:

- (i) An extension of time to file a statement of claim;
- (ii) Early disclosure of relevant documents pursuant to Order 24 rule 3 of the Rules of the Court of Judicature (Northern Ireland) 1980, articles 6, 8 and 13 ECHR and UK Data Protection law including UK GDPR and the Data Protection Act 2018 (legal rights to access, correct and rely on your personal data); and
- (iii) Implementation of special measures and procedural adjustments required to enable effective participation by a disabled litigant in person under: Section 49A of the Disability Discrimination Act 1995 (NI), section 75 of the Northern Ireland Act 1998, article 6 and 13 of the ECHR, article 13 of the United Nations Convention on the rights of Persons with Disabilities (UNCRPD). ...”

[4] As Mr Neeson pointed out, the application falls more within the terms of Order 24 rule 7 rather than rule 3. Rule 7 provides as follows:

“7.—(1) Subject to rule 9, the court may at any time, on the application of any party to a cause or matter, make an order requiring any other party to make an affidavit stating whether any document specified or described in the application or any class of document so specified or described is, or has at any time been, in his possession, custody or power, and if not then is his possession, custody or power when he parted with it and what has become of it.”

[5] It is also relevant to note the wording of Order 24 rule 9 which is headed “Discovery to be ordered only if necessary”

“9. On the hearing of an application for an order under rule 3, 7 or 8 the court, if satisfied that discovery is not necessary, or not necessary at that stage of the cause or matter, may dismiss or, as the case may be, adjourn the application and shall in any case refuse to make such an order if and so far as it is of the opinion that discovery is

not necessary either for disposing fairly of the cause or matter or for saving costs.”

[6] I accept that what is “necessary” may well vary from case to case and may depend, at least in part, on the characteristics of the parties. However, I note also that the course of litigation is required to be fair and proportionate to all parties, not just to one party.

The plaintiff's claim

[7] The writ issued by the plaintiff in April 2025 is in the following terms:

“The plaintiff, Michele Morton, respectfully claims damages, injunctive and declaratory relief against the defendant, Clanmil Housing Association, for serious sustained and unlawful breaches of duty and statutory obligations, including:

- Statutory housing obligations under the Housing (NI) Order 1981 and common law duty of care.
- Disability and equality law under the Disability Discrimination Act 1995 (NI) and section 75 of the NI Act 1998.
- Data protection law under the UK GDPR and Data Protection Act 2018.
- Human Rights Law under the ECHR (articles 2, 3, 6, 8, 13 and 14).
- Safeguarding obligations arising from known vulnerabilities, confirmed hate crime risks and multi-agency neglect.

Between July 2019 and May 2023, the plaintiff and her two disabled children were subjected to sustained harassment, intimidation and targeted abuse by neighbouring tenants at a Clanmil managed property:

- The defendant failed to safeguard the plaintiff's household.
- The defendant deliberately manufactured and disseminated a false psychiatric diagnosis (“bipolar”) across internal and external records, without medical

evidence, professional authority or any knowledge or involvement of the plaintiff – causing ongoing harm to her legal standing, reputation and access to safeguarding protections.

- The defendant withheld and manipulated data, breached the plaintiff's subject access rights (as acknowledged by the Information Commissioner's Office) and misrepresented PSNI engagement.
- The defendant deflected accountability using bureaucratic delay, reputational gaslighting and institutional power including a prolonged and obstructive complaints process, inconsistent and incomplete subject access request responses and the suppression of material evidence that should have been available to third party agencies including PSNI.
- The defendant submitted demonstrably false statements and omissions into legal correspondence and proceedings, continuing into 2024 – including materials revealed only through court order disclosure in February/March 2024, such as a previously concealed August 2020 housing file note which undermined earlier statements made by the defendant in both correspondence and complaint responses.
- The plaintiff was made aware of this undisclosed file note only through her solicitor in March 2024 – nearly four years after it was allegedly written – and has still not received a copy of the record itself, despite repeated legal and data protection requests including formal subject access requests to the defendant.

The continued withholding of this record further obstructs the plaintiff's ability to respond, correct or challenge its contents and raises serious concerns about deliberate evidential manipulation.

- The defendant used internal complaint procedures, not as a means of genuine investigation or tenant protection, but as a mechanism to suppress escalation, delay resolution and discredit the plaintiff – resulting in prolonged harm, procedural obstruction and a denial of safeguarding responses.

The plaintiff asserts that her criminalisation in 2023 was a direct consequence of the defendant's prolonged safeguarding failures, data misuse and institutional collaboration with PSNI. The conviction arose from events following PSNI instructions and has since been exploited by the defendant and their legal agents to deny redress, despite being based on omitted evidence, discredited narratives and systemic procedural failures.

This case raises matters of public interest as it exposes systemic failures by a social housing provider to uphold statutory duties to disabled tenants, protect against known safeguarding risks and ensure lawful handling of personal data. The issues involved affect not only the plaintiff and her children, but have broader implications for housing governance, public accountability and the treatment of vulnerable residents across Northern Ireland.

The plaintiff reserves the right to seek additional relief as further evidence becomes available."

[8] The relief extends to 12 paragraphs, many including multiple sub-paragraphs.

[9] It is stating the obvious that drafting a statement of claim which seeks to develop and particularise this claim would be a formidable task but that is because the claim is framed so broadly. Almost inevitably, the discovery request is similarly extensive. It extends to 36 separate identified categories of documents described over 31 pages.

[10] The defendant's position is that this application for early discovery request is grossly excessive and unfounded and that it is simply wrong in principle to look on it favourably before a coherent statement of claim properly defining the plaintiff's case has been served.

[11] In response, the plaintiff says two things:

- (i) She has proposed a tiered approach to disclosure describing which documents might fall in tier 1, which might fall in tier 2 and those which fall in tier 3. In addition, she proposes that the tier 3 disclosure stage be supervised by a judge or Master.
- (ii) She says that she can draft a statement of claim as matters stand without discovery but that it would be better to avoid future applications to amend the statement of claim, perhaps on multiple occasions, if the discovery was provided at this point.

[12] For the defendant, Mr Neeson responded with three points:

- (i) The fact that the plaintiff can draft a statement of claim means, in this of all cases, that she should do so.
- (ii) As in all cases, a defendant can oppose any later applications to amend the plaintiff's case, but its ability to do so is likely to be limited if the plaintiff can show that the amendment is required because of a freshly discovered document. By way of example of what might be a good reason to object, he cited objections based on limitation points or applications which may threaten a trial date.
- (iii) There is simply no necessity to provide discovery at this very early and unusual stage in these proceedings. The plaintiff's self-admitted ability to draft a statement of claim, even if it needs later amendment, should be the end of the matter.

Consideration

[13] There is no absolute rule against a court ordering discovery before a statement of claim, but it is the exception rather than the rule and for good reason. The litigation process is not well suited to nor is it designed for conducting wholesale investigations of wide-ranging disputes between parties. More typically it involves a plaintiff suing a defendant for an identified wrong and seeking an identified remedy, usually, but not necessarily damages.

[14] What concerns me in this appeal is that it has taken more than six months of reviews and directions even to manage to have the appeal from the Master heard on this early issue. One review hearing on 22 April 2026 lasted for one hour and five minutes, far longer than the normal five minutes or so. It may be the consequence of the plaintiff's condition, but she has provided bundles of documents of extraordinary length which are simply not necessary. For instance, on 16 June, she provided a fourth bundle running to more than 350 pages even though I already had three bundles running to more than 240 pages. She has shown herself to be unable to identify and focus on what is really needed.

[15] In those circumstances and recognising my duty to protect the rights of both parties, I cannot accept the plaintiff's contention that discovery is necessary at this stage. She must put shape on her case before the defendant is put to the task of serving a defence and giving discovery. Only when a statement of claim and defence are served will this case finally make progress. For these reasons, I dismiss her appeal from the decision of the Master, but I will allow her until 1 November 2026 to serve a statement of claim.