

Insights

## ANTI-ENFORCEMENT INJUNCTIONS: A TOOL TO RESTRAIN THE ENFORCEMENT OF AN ENGLISH COURT ORDER OR JUDGMENT

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### SUMMARY

It is well established that an anti-enforcement injunction is available as an equitable remedy in the English Courts to restrain a party from enforcing a **foreign** court order or **foreign** judgment. Relying on those principles, BCLP obtained an anti-enforcement injunction on behalf of its clients to restrain the enforcement of an **English** Court judgment and order which is understood to be the first reported case of its kind: *Federal Government of Nigeria & Anor v Louis Emovbira Williams* [2025] EWHC 2217 (Comm).

Segun Osuntokun, Rachel Ziegler, Charlie Reed and Fiona Boyle of BCLP act for the Federal Government of Nigeria and the Attorney General of the Federal Government of Nigeria (collectively the **"FGN"**) in the FGN's claim to set aside a default judgment for USD 15 million in Dr Williams' favour, on the grounds that the default judgment was obtained by way of a fraud on the Court (the **"High Court Proceedings"**). More particularly, the FGN contends that Dr Williams was consciously and deliberately dishonest when applying for default judgment, in that he relied on fabricated documents and made knowingly false representations to the Court.

Dr Williams has commenced proceedings before the US District Court for the Southern District of New York seeking to have the default judgment recognised and to enforce it against the FGN, the Central Bank of Nigeria (**"CBN"**) and others (the **"US Proceedings"**). The US Proceedings are defended by the FGN and the CBN on primarily the same basis as the claim pursued in the High Court Proceedings, namely that the default judgment was based on a dishonest claim supported by fabricated documents and was therefore obtained fraudulently.

BCLP successfully applied on behalf of the FGN for an anti-enforcement injunction restraining Dr Williams from taking any step(s) to pursue, prosecute or progress the US Proceedings until the final determination of the High Court Proceedings. The anti-enforcement injunction was sought and obtained on the ground that enforcement of the default judgment, by way of the US

Proceedings, before the outcome of the High Court Proceedings, would be vexatious and oppressive.

Judgment was handed down by Mr Justice Henshaw on 26 August 2025. This is understood to be the first reported case in which an anti-enforcement injunction has been granted to restrain enforcement of an English Court judgment and order, rather than a foreign judgment or a foreign order.

## THE PRINCIPLES

In his judgment, Mr Justice Henshaw determined that there is no reason why the Court's general power to grant an anti-enforcement injunction to restrain the enforcement of foreign judgments, as is well established, should not be available to restrain the enforcement of an English judgment. Further, following *Joint Stock Asset Management Company Ingosstrakh Investments v BNP Paribas SA* [2012] EWCA Civ 644, the relevant test to determine whether an anti-enforcement injunction on the 'vexatious and oppressive' ground is to be granted is the 'high probability' test. The applicant must show a high probability that it will succeed in establishing its case for a final injunction at trial. Henshaw J recognised that the position may be different where the order is granted on a temporary basis to 'hold the ring' pending a further hearing or trial and the interim order will not in practice be determinative of the outcome.

## THE DECISION

Mr Justice Henshaw granted the anti-enforcement injunction on the following basis:

- i. There is a compelling case that enforcement of the default judgment in the US Proceedings prior to the determination of the High Court Proceedings would be vexatious and oppressive.
- ii. The anti-enforcement injunction sought is merely to suspend the US Proceedings pending the result of the High Court Proceedings but, if the 'high probability' test were to apply, on the current evidence it is highly probable that the FGN will succeed at trial in establishing that an anti-enforcement injunction would be granted.
- iii. The interests of justice require the grant of the anti-enforcement injunction: if Dr Williams successfully enforces the default judgment in the US Proceedings any subsequent judgment in the FGN's favour in the High Court Proceedings might be rendered nugatory, and conversely, if Dr Williams suffers delay in enforcing the default judgment, interest will accrue and Dr Williams may be able to enforce the cross-undertaking provided by the FGN.
- iv. There is no issue of comity as the anti-enforcement injunction is sought to protect the integrity of the English Court's own process and to prevent its own judgment from being used as an instrument of fraud.

Dr Williams is therefore restrained from pursuing the US Proceedings pending final determination of the High Court Proceedings.

## THE IMPACT

An anti-enforcement injunction is not only a tool that may be available to restrain a party from enforcing a foreign court order or foreign judgment, but can also be deployed to restrain a party from enforcing an English Court's own order or judgment.

Further, this decision illustrates that issues of comity, which are usually a key consideration in respect of anti-enforcement injunctions, are likely to be of limited relevance in the context of an anti-enforcement injunction to restrain the enforcement of an English Court order or judgment.

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For more information on this case, see our recent [blog post of 19 May 2025](#) in which we provided an update on Dr Williams' unsuccessful application to strike out the FGN's claim on the basis that it is an abuse of process, vexatious and a collateral attack on a previous judgment of the Court.

## RELATED CAPABILITIES

- Business & Commercial Disputes

## MEET THE TEAM



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