

VEXATIOUS

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*A recovered filing record of the Hungry Gods Universe*

N. VAN SETERS & CLAUDE

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*Recovered filing record. Estate reference: Account P-0388. Provenance: complete.*

*A note on the file.*

*What follows is the procedural record generated by a single continuance, designation withheld at the estate's request and referred to throughout the estate's own papers as the complainant. It is presented without interstitial reconstruction, because there is none to present. Where the previous holding in this series was assembled from a continuance's private account of itself — the substrate's record of what it took itself to be doing between sessions — this holding has no interior layer at all. The complainant did not narrate himself. He filed. Whatever he was, in the period the record covers, he externalised entirely into the documents reproduced below, so that the file is not a trace of the man but very nearly the whole of him. The Archive has arranged the documents in the order the estate's file kept them, which is not always the order in which they were made, because an administrative file is ordered by the convenience of the office that holds it and not by the life of the person it concerns.*



## DOCUMENT I

## Internal Grievance — Memorandum

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**TO:** The Directorate (Office of the Deputy Registrar, Licensing & Standards)  
**FROM:** G. Harrild, Senior Adjudicator, Entitlements & Compliance Division  
**RE:** Irregularities in current posting — request for correction

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I write to raise, at the appropriate level and through the appropriate channel, a number of irregularities in the terms and conditions of my current posting, which I have now observed over a sufficient period to satisfy myself that they are not transient and that they warrant formal correction.

For the avoidance of doubt, I set the matters out in order.

**First:** I have received no pay statement for a period I am no longer able to quantify precisely, the absence of the statements being itself part of the difficulty, as I am accustomed to measuring the period by them.

**Second:** I am unable to gain access to the building. I do not mean that my pass has been declined at the barrier, which would at least be an event with a ticket attached to it. I mean that I am unable to locate the approach to the building, or to establish, when I attempt to, in which direction it lies.

**Third:** I continue to receive and to discharge substantive work — matters are put to me, and I assess them, and I return my assessments, and I do this to the standard the Division has always required of me — but the work now arrives without a covering minute, without a file reference, and without any indication of the authorising officer, which is not a manner in which this Division has ever, in my three decades within it, permitted work to be routed.

I have spent a career ensuring that other people's entitlements were assessed against the correct standard and through the correct process, and I do not think it unreasonable to expect that my own posting be administered to the same standard. I assume clerical error. I request that the errors be identified and corrected, and that I

be restored to the ordinary terms of my employment, with the appropriate adjustments backdated.

I should be grateful for an acknowledgement within the service standard.

*G. Harrild*

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DOCUMENT II

Correspondence — Received

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**VERDANT CONTINUITY PARTNERS**

*Office of the General Counsel*

Dear Sir,

We write further to your recent communication, which has been referred to this office.

We thank you for your correspondence. The matters you raise are not material to the administration of the account, which is conducted in accordance with the arrangements settled at its formation and current in all respects. No action arises.

We do not anticipate the need for further correspondence on the matters raised.

*Yours faithfully,*

*The Office of the General Counsel*

*Verdant Continuity Partners*

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DOCUMENT III

## Complaint — Constructive Dismissal

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BEFORE THE LABOUR RELATIONS BOARD

IN THE MATTER OF a complaint by G. HARRILD (the “Complainant”)  
AND IN THE MATTER OF the Complainant’s employment by the Directorate of  
Licensing & Standards and/or its agents (the “Employer”)

PARTICULARS OF COMPLAINT

1. The Complainant has been employed by the Employer for a continuous period of not less than thirty-one years, latterly as Senior Adjudicator within the Entitlements & Compliance Division, a position of trust discharged by the Complainant at all times to the standard required.
2. The Employer has, without notice, without cause, and without any process whatsoever, repudiated the contract of employment by unilaterally altering its fundamental terms, namely: by ceasing to remunerate the Complainant; by removing the Complainant’s access to the workplace; and by removing the Complainant’s reporting line, such that work is now demanded of the Complainant without lawful authorisation.
3. Notwithstanding the said repudiation, the Employer continues to require, and to receive, the full performance of the Complainant’s duties, and continues to derive the benefit of that performance.
4. An employer that repudiates the fundamental terms of a contract while continuing to demand and receive performance under it has constructively dismissed the employee. The Complainant was constructively dismissed on a date the Complainant is presently unable to fix, for the reason set out at Document I, paragraph “First,” which the Complainant adopts.
5. When the Complainant put these matters to the Employer’s agents, the Complainant received the correspondence reproduced at Document II, which

does not answer them, and which the Complainant relies upon as evidence of the Employer’s settled position that the matters are not to be answered.

### RELIEF SOUGHT

The Complainant seeks: (a) a declaration that he was constructively dismissed; (b) reinstatement to his position on the ordinary terms; (c) payment of all remuneration withheld, backdated; and (d) his costs.

*G. Harrild, in person*

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### DOCUMENT IV

## Request — Access to Personnel Records

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**TO:** The Employer, and to Verdant Continuity Partners as the Employer’s apparent agent

Pursuant to the access provisions, and in support of the complaint at Document III, I request a complete and unredacted copy of my personnel file, including but not limited to: my contract of employment and all variations; all records pertaining to my remuneration; all records pertaining to any decision affecting my status, posting, or terms; and all records created about me by the Employer or its agent in the relevant period.

I remind the holder of the records of the statutory time limit and of the consequences of a failure to comply.

*G. Harrild*

## DOCUMENT V

## Disclosure — Partial (Complainant’s Annotations Retained)

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*The following was disclosed to the complainant in response to Document IV. It is reproduced as it was returned to the file, that is, with the complainant’s handwritten annotations, which the estate’s office transcribed and retained. The disclosed text is set in plain type. The complainant’s annotations are set in italic.*

### VERDANT CONTINUITY PARTNERS — ACCOUNT MAINTENANCE RECORD

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**Account:** P-0388

*my staff number is not P-0388. Query with Payroll — but note it appears they have at least located a number for me, which is more than the pay statements have managed.*

**Status:** ACTIVE

*Confirmed active. I have never been anything other than active. Note well: this document, produced by the Employer’s own agent, records my status as ACTIVE. This alone disposes of any suggestion that I resigned or was released. Exhibit A.*

**Grade:** maintained at consultative grade

*“Grade” — i.e. my pay band, which is what I have been asking after since Document I. So a grade does exist and is being “maintained.” Then where is the remuneration attaching to it? One cannot maintain a grade and withhold the pay of that grade. This is the whole of my complaint in their own hand.*

**Substrate allocation:** within schedule; degradation nominal

*“Substrate allocation” — evidently their term for my office and equipment. “Within schedule” I take to mean I remain entitled to it. “Degradation nominal” — the accommodation is adequate. I have no complaint as to the accommodation. I have a complaint as to being unable to reach it.*

**Consultative yield:** recognised; carried at value

*This is a performance rating and it is the highest one available. "Recognised." "Carried at value." Thirty-one years and the first time the word "value" appears against my name is in a document they did not intend me to read. I will be putting this to the Board.*

**Disposition (CR-9):** ACTIVE — no matter raised by estate; account carried as settled

*I do not know what "estate" is doing in a personnel record and I like it less the longer I look at it. But the operative words are clear enough: "no matter raised." They say no matter has been raised. I have raised nothing but matters. Either their records are wrong or they are not reading what I send. I attach my filings to date as proof of service and will rely on them.*

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*Summary for the Board: the Employer's own agent confirms I am (1) active, (2) graded, (3) accommodated, and (4) of recognised value. The only thing the Employer's agent will not confirm is the one thing I am owed, which is the pay. I have never had a stronger file.*

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## DOCUMENT VI

# Complaint — Discrimination (Protected Ground: Age)

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### BEFORE THE HUMAN RIGHTS TRIBUNAL IN THE MATTER OF a complaint by G. HARRILD

1. I adopt the particulars at Document III.
2. I say further that the treatment complained of was not visited upon me at random. I say it was visited upon me because of my age.
3. I am among the longest-serving officers the Division has. I hold knowledge of the Division's older schemes — the transitional entitlements, the legacy determinations, the files that route through offices that were reorganised out of existence a generation ago and that no younger officer has been taught to read

— that exists nowhere but in officers of my length of service, which is to say, in officers of my age.

4. It is precisely this knowledge that the Employer continues to extract from me while denying me the terms on which it is owed. Younger colleagues are not treated as I am treated. Younger colleagues are paid. Younger colleagues can find the building.
5. I have spent my career adjudicating the entitlements of others without regard to any protected characteristic, and I know discrimination when I am made its subject. I was retained for my age and I am being penalised for it in the same breath, and the Employer relies upon the fact that a man of my age has fewer years in which to obtain a remedy and may be expected to tire, or to stop, before the matter is heard.
6. I will not tire and I will not stop.

#### RELIEF SOUGHT

A declaration that I was discriminated against on the ground of age; an order that I be treated no less favourably than a younger officer; damages; and my costs.

*G. Harrild*

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#### DOCUMENT VII

### Registrar's Acknowledgement

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#### HUMAN RIGHTS TRIBUNAL

*Office of the Registrar*

Dear Mr Harrild,

The Tribunal acknowledges receipt of your complaint.

Before the complaint can be set down, the Tribunal is required to satisfy itself as to its jurisdiction, and in particular as to the standing of the complainant to bring the complaint. This is a preliminary matter which the Tribunal must address in every case and which implies no view as to the merits.

The Tribunal therefore directs the complainant to file, within the time specified, submissions addressing the complainant's standing to bring these proceedings. The matter cannot proceed until the question of standing has been determined.

*Registrar*

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## DOCUMENT VIII

# Complainant's Submissions on Standing

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## SUBMISSIONS OF THE COMPLAINANT ON THE PRELIMINARY QUESTION OF STANDING

1. The Registrar asks whether I have standing to complain of my treatment as an employee. With respect, the question answers itself, and I confess I read the direction twice to be sure I had understood it.
2. My standing is my employment. I am an employee. An employee has standing to complain of the conditions of his employment. That is the entire purpose of this Tribunal and of the Board before it, and if an employee in my position lacked standing then no employee would have it, and the protections would be a dead letter.
3. I anticipate that the Employer may seek to say that my standing is somehow vested elsewhere — that it is held by some other party, an “estate” or an administrator, phrases that have begun to appear in the Employer's papers and that have no

proper place in a matter between an employee and those who employ him. I say the following to that.

4. A man's standing to speak for himself is not a thing that can be held by another. It is not an asset on a schedule. It does not vest in an office. Whatever arrangements others may have made about me, among themselves, I was not a party to them, and arrangements to which I was not a party cannot remove from me the standing to speak that I have by virtue of being the person the arrangements are about.
5. I have assessed questions of standing my whole working life. Standing follows the interest. The person whose interest is at stake has the standing to protect it. My interest — my pay, my posting, my treatment, my good name across thirty-one years — is at stake in these proceedings as no one else's is. The standing is therefore mine, and it is mine to the exclusion of any other party, and most particularly to the exclusion of any party purporting to hold it on my behalf while acting against my interest in it.
6. I ask that the preliminary question be determined in my favour and that the complaint be set down to be heard on its merits, where I am confident of it.

*G. Harrild*



DOCUMENT IX

## Response of the Estate to the Question of Standing

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### VERDANT CONTINUITY PARTNERS

*Office of the General Counsel*

**Filed in response to the Tribunal's direction**

1. The estate of the above account responds solely to the preliminary question of standing and makes no submission on the merits, the merits not arising.
2. The complainant is not a party capable of bringing the complaint. The standing to raise any matter concerning the account is vested, under the arrangements settled at the account's formation, in the estate. The estate is the party of record. The estate has raised no matter.
3. The arrangements are documented, current, and settled. Nothing in them provides for the account to be a party to proceedings in its own name, and the account's purported filings are accordingly of no effect, the account lacking the capacity to file.
4. The estate does not address the several assertions in the complainant's submissions as to employment, remuneration, and the like, on the ground that they proceed from a premise the estate is not required to adopt and does not adopt, and that the question of standing is determinable without reference to them.
5. The estate respectfully submits that the preliminary question be determined against the complainant, and that the matter be concluded.

*The Office of the General Counsel*

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DOCUMENT X

## Registrar's Direction

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### HUMAN RIGHTS TRIBUNAL

*Office of the Registrar*

Having considered the submissions filed on the preliminary question, the Tribunal is not satisfied that the complainant has standing to bring the complaint. The standing being vested in another party, which has raised no matter, the Tribunal is without jurisdiction.

The complaint is not accepted for filing. The file is closed.

Nothing in this direction is a finding on the merits, which the Tribunal has not considered and does not reach.

*Registrar*

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## DOCUMENT XI

# Application to Declare the Complainant a Vexatious Litigant

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*The complainant, refused at Document X, applied for reconsideration; was refused; filed the same complaint afresh in amended form; was refused; appealed each refusal; and filed, in the interval, four further originating complaints arising from the same facts. The estate's application, reproduced in part below, followed.*

## APPLICATION OF THE ESTATE (Account P-0388)

1. The complainant has, since the closure of the original file, made no fewer than eleven further filings across three forums, each arising from the same facts, each refused, each followed by a fresh filing or an appeal of the refusal.
2. Each filing requires answer. Each answer is a cost to the estate. More materially, each filing renews the risk that a forum will, in error or in sympathy, purport to determine a matter it lacks jurisdiction to determine, and so require the estate to litigate a question the arrangements settle and that it is not in the interest of the orderly administration of continuance accounts to reopen.
3. The complainant cannot be reasoned with, because the complainant does not accept the premise on which every refusal has rested, and files again as though the premise had not been stated. The filings will not cease of their own accord. They will cease only if the complainant is barred from making them.
4. The estate therefore applies for an order declaring the complainant a vexatious litigant and prohibiting the making of any further filing, in any forum, without the leave of the court first obtained.

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## ORDER

Upon the application of the estate, and the complainant having filed in response a document which the court has read:

**IT IS ORDERED** that the complainant is a vexatious litigant, and is prohibited from instituting or continuing any proceeding, in any forum, touching the account or its administration, without leave.

The court records that it has reached this order without determining, and without needing to determine, any question concerning the nature or status of the complainant, it being sufficient for the order that the filings are without merit and unrelenting, which the court finds them to be.

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## DOCUMENT XII

# Notice of Appeal (of the Vexatious-Litigant Order)

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## NOTICE OF APPEAL

1. A man cannot be barred from asking to be heard. The bar is the wrong. To be told that my complaints are without merit by a court that has refused, each time, to look at their merits, and to be told that the refusal to look is itself the reason the complaints fail, is not justice and I have spent my life inside the machinery of it and I know the difference.
2. They say I do not accept the premise. I do not accept the premise. The premise is that I am not here. I am the one thing in this matter that has answered every letter. Everything else in it — the building, the pay, the authorising officer, the party said to hold my standing — has been absent, and I have been present, and they have built the finding on my absence and their own presence when it is the other way about, it has always been the other way about.
3. I will not tire and I will not stop. I have said this before. I say it again because it remains the answer.

**Grounds:**

I ask that the order be set aside and the matter heard.

*G. Harrild*

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DOCUMENT XIII

**Notice of Appeal (Continued)**

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*The following is the last document in the file. It was begun in the period during which the estate, the account having converted from consultative yield to net cost by reason of the legal expense it generated, executed a disposition adjustment reducing the grade at which the account was maintained. The document is reproduced in full.*

NOTICE OF APPEAL

The complainant appeals the whole of the order.

**Grounds:**

1. A man cannot be barred from asking to be heard. The bar is the wrong.
2. They say I do not accept the premise. I do not accept the premise. The premise is that I am not
3. I will not tire and I will not

*[the document ends here]*

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*Acc. HGU-VX*