

English High Court Grants Anti-Enforcement Injunction to Restrain the Enforcement of an English Court Judgement Abroad

By Rachel Green and Helen Biggin

September 9, 2025

Federal Government of Nigeria & Anor v Louis Emovbira Williams [2025] EWHC 2217 (Comm)

Summary

In what is understood to be the first reported case of its kind, the English High Court has granted an anti-enforcement injunction (**AEI**) restraining the defendant (**Williams**) from enforcing an English court judgment against the Federal Government of Nigeria (**FGN**).

The judgment is significant because, in prior cases, AEIs have primarily been granted by the English courts in order to restrain the enforcement of foreign judgments. However, the judge in the present case found no principled reason as to why an order granting an AEI to restrain enforcement of an English judgment should not be available, marking a turning point when dealing with jurisdiction in the grant of AEIs.

AEIs: An Overview

An AEI is an equitable remedy which seeks to restrain a party from enforcing a foreign court order or foreign judgment. Although AEIs are commonly confused with anti-suit injunctions, the latter seeks to restrain a party from pursuing proceedings in another jurisdiction, whereas AEIs seek to restrain a party once they have already obtained an order or judgment in such proceedings.

Historically, AEIs have rarely been granted by the English courts on the basis that delay and/or comity considerations usually make it inappropriate to do so. Moreover, the grant of an AEI has the effect of indirectly interfering in the processes of a foreign court. As such, clear justification must be provided before an AEI can be granted.

In *Google v Tsargrad* [2025] EWHC 94 (Comm), Henshaw J (who also served as the judge in the present proceedings) set out the applicable principles relating to the grant of AEIs to restrain a party from seeking to enforce a foreign judgment and stated that, contrary to what has previously been claimed by some authorities, he did not consider the jurisdiction of AEIs to be limited to cases of actual or alleged fraud.

Background

The origin of the present judgment dates back to November 2018, when a default judgment of approximately USD 15 million was granted in favour of Williams against the FGN (the **Default Judgment**).

The FGN subsequently applied to set aside the Default Judgment on the grounds that the underlying claim as presented by Williams was fundamentally dishonest and founded upon forged and fabricated documents, such that the Default Judgment had been obtained fraudulently (the **High Court Proceedings**). An application by Williams for an order striking out the FGN's claim on the basis that this was an abuse of process was dismissed by the Court in May 2025 (the **Strike-Out Application**).

Williams had also, in the meantime, commenced proceedings before the U.S. District Court for the Southern District of New York, in which he sought to have the Default Judgment recognised and enforced against the FGN and various other parties, including the Central Bank of Nigeria (the **New York Proceedings**).

On 2 June 2025, the FGN applied for an AEI to restrain the New York Proceedings, on the basis that it would be vexatious and oppressive for the Default Judgment, which the FGN alleged had been obtained by fraud, to be enforced before the outcome of the High Court Proceedings.

Shortly thereafter, the English court made an interim order formally dismissing the Strike-Out Application and giving directions for, among other things, the hearing of the FGN's AEI application. On 23 June 2025, Williams applied to set aside the interim order.

At a hearing on 11 July 2025, the English court made orders in which, among other things, it:

- dismissed Williams' application to set aside the interim order; and
- granted an AEI restraining Williams from pursuing his claim in the New York Proceedings for recognition and enforcement of the Default Judgment until the final determination of the High Court Proceedings.

English High Court Judgement

Following the 11 July 2025 hearing, on 26 August 2025 the Court handed down its judgment in which it provided its reasons for granting the AEI. These reasons were set out by Henshaw J as follows:

- There is a compelling case that for Williams to enforce the Default Judgment in the New York Proceedings prior to the determination of the High Court Proceedings would be vexatious and oppressive to the FGN.
- Notwithstanding that the proposed AEI will merely suspend the New York Proceedings pending determination of whether the Default Judgment should be set aside, it is highly probable that the FGN would succeed at trial in establishing that an AEI should be granted.
- Considering the balance of justice, there is a risk of irreparable prejudice to the FGN if Williams were able to enforce the Default Judgment in the New York Proceedings as the sums paid may be irrecoverable. On the other hand, Williams would only suffer limited prejudice if an AEI were granted: that is, if Williams could successfully defend the High Court Proceedings, he would have suffered some delay in enforcing the Default Judgment but interest will have accrued and he may be able to seek compensatory damages by enforcing the cross-undertakings given by the FGN.
- Comity is not an issue in these circumstances as the AEI is sought to protect the integrity of the English court's own processes, and to prevent a risk of its own judgment being used as an instrument of fraud. The New York court had also expressed its willingness to await the outcome of the English High Court's decision on the AEI application before taking any further action.

Finally, the Court noted Williams' submission that the delay to the overall proceedings was due to the FGN's inactivity and also acknowledged Williams' age and ill-health. However, notwithstanding these points, the Court concluded that the interests of justice would require that the AEI be granted.

Conclusion

The English High Court judgment demonstrates that the granting of an AEI is not restricted to the context of foreign judgments, but can also be used to restrain a party from enforcing an English court's own judgment.

The reasons for the Court's decision as set out by Henshaw J also act as helpful guidance in determining the factors which courts are likely to consider in granting AEIs, and in particular highlights that comity is unlikely to be a key consideration in the context of AEIs used to restrain the enforcement of English court judgments.

If you have any questions about this article, please contact Rachel Green at rsgreen@vedderprice.com, Helen Biggin at hbiggin@vedderprice.com or any other Vedder Price attorney with whom you have worked.

vedderprice.com