

Ms Lisa McLean
Piper Smith & Basham
31 Warwick Square
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Fax: 020 7630 6976

Ms Noëlle K-Dit-Rawé

(By fax)

Ref: LM.R360/1

CONFIDENTIAL

28 September 2003

NKDR subsequent note: See my 2 pages of comments attached to Ms McLean's letter to me of 25 Sep 03 in which she comments on Mr Staddon's advice.

(The same 2 pages of comments are also attached to the file '03.09.25_PaulStaddon_TanfieldChambers_Advice_20CApl.pdf

Dear Lisa

Further to my voicemail of Friday 26 September acknowledging your letter of 25 September 2003 and of Mr Staddon's opinion.

1. Mr Staddon's opinion

"The Application"

I find it curious that, in his assessment, Mr Staddon is not considering the following (which, I know you had included in your brief to him/ he is aware of):

- 1 The fact that my covering letter of 12 August 2003 attached to my 20C Order application to the LVT makes it absolutely crystal clear that I am making the application for the whole block – not just for myself: "...The Applicant cannot be allowed to put on the service charge for Jefferson House the costs it incurred as a result of the action it pursued through the LVT".
- 2 The fact that in a letter dated 7 April 2003 to the LVT and to MRJ, Oliver Fisher wrote that: "My Counsel (i.e. Mr Staddon) will be making an application" "... In particular that the legal costs incurred on behalf of your clients should not be added to the service charge" (There is absolutely no reference here that it concerned only myself. And it most certainly was not the way that this was presented to me when the letters were sent. The objective was to get an order for the whole block)
- 3 The fact that Mr Staddon then raised this during the 28 April hearing. Here again, absolutely no doubt: this request was for the whole block. And further proof of this comes from the other side's response to Mr Staddon's request during the hearing: "My client will not charge Ms K-Dit-Rawé, but intends to charge other residents".

Is there an agreement with MRJ

I wish to draw your attention to the fact that there are three fundamental differences between the letter you wrote to MRJ on 18 September and their reply of 19 September:

| <u>Your letter of 18 September 2003</u> | <u>MRJ's letter of 19 September 2003</u> |
|---|---|
| "...prepared to waive ..." | "... our clients are prepared to not claim from your client" |

Under **point 12** of his “advice”, Mr Staddon wrote: “.. as I understand it, the other lessees will not be being asked to pay the Respondent’s ‘share’ of the landlord’s costs, the landlord will be absorbing those himself... thus... they will have suffered no loss..”

This is definitely not what can be inferred from MRJ’s statement: “..not claim..”.

| <u>Your letter of 18 September 2003</u> | <u>MRJ’s letter of 19 September 2003</u> |
|--|---|
| <i>“...we shall withdraw the application currently listed in the LVT...”</i> | <i>“...withdraws permanently her Section 20C application...”</i> |

This “**permanently**” worries me. Why was this added?

Given Mr Staddon’s view: under **point 7** “... statements which are not intended to vary the terms of the offer, or to add new terms, do not vitiate the acceptance...”, and under **point 8**: “.. what they are asking for is implicit in the Respondent’s original offer...” – then, this addition to our offer does not need to be added.

The third fundamental difference is MRJ’s statement: “... **and that this is accepted by the Leasehold Valuation Tribunal...**”.

This is an action required of a third party – over which I have no control.

Can you please consider these points.

2. Consent Order

You drafted a letter to the LVT, dated 23 September 2003, requesting that: “...draft Consent order which we would be grateful if you could approve and return to us”.

Can you please confirm to me that such order would indeed be ‘approved’ by the LVT.

3. Standard disclosure of documents for County Court

At the time of writing, I have not received the revised version. What is the status on this?

Tomorrow, ie. Monday 29, I will be in the office after 10h30. If need be, I can take time off during the afternoon to come to your office.

If you need to fax something to me, please note the **NEW FAX NUMBER** .

Yours sincerely

Noëlle Rawé

MEMORY TRANSMISSION REPORT

PAGE : 001
TIME : 28-09-03 20:41
TEL NUMBER: 020 [REDACTED]
NAME : [REDACTED] FX866

FILE NUMBER : 182
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TO : 902076306976
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FILE NUMBER : 182 *** SUCCESSFUL TX NOTICE ***

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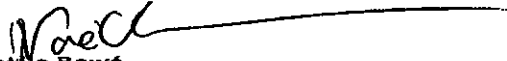
28 September 2003

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|-----------------|--|
| To | Ms Lisa McLean |
| Organisation | Piper Smith & Basham |
| Fax | 020 7630 6976 |
| From | Noëlle Rawé (Jefferson House) (REF: LM.R360/1) |
| Subject | 20C Order application + Standard disclosure for County Court |
| Number of pages | Page 1 of 3 |

Dear Lisa,

Please find attached my letter in response to Mr Staddon's opinion.

Yours sincerely


Noëlle Rawé