



Ms Noëlle K-Dit-Rawé
3 Jefferson House
11 Basil Street
London
SW3 1AX

18th December 2003

Our ref: IGS/sl/R360/1

Ext. 230

Your ref:

Dear Ms Rawé

Steel Services Limited v Yourself

Further to my letter to you of 9th December 2003, I have now had an opportunity of reading through Lisa McLean's file.

Having carefully reviewed matters it does appear to me **that the file has been properly managed**. I do appreciate that there are a number of areas where you have complaints, it seems in particular with regard to your instructions to accept the claimants part 36 offer contained in a letter from CKFT solicitors dated 21st October 2003.

The effect of that letter and the strategy to be followed was discussed in conference with Mr Stan Gallagher of counsel together with yourself, Ms McLean and your expert Tim Brock. Ms McLean kept an attendance note of the conference and what was discussed was also detailed in an email from Stan Gallagher of 12th November 2003. His firm advice was that the **part 36 offer should be accepted and if you declined you would certainly end up paying significantly more by virtue of being ordered to pay the claimant's costs**. On that basis, on 13th November 2003 you sent an email to Mr Gallagher and Lisa McLean's supervising partner Richard Twyman indicating that you had accepted the advice of counsel and that you wanted to accept the offer. This was subject to a covering letter from counsel setting out a number of matters which he advised were not significant and would have no impact. It was on that basis that counsel was instructed to draft both the letter and draft consent order. These were forwarded to CKFT on the basis that the time for acceptance of the part 36 offer would otherwise have expired.

Accordingly, whilst **you now have a reluctance to sign the documents that were settled on your behalf, as far as CKFT are concerned there is a concluded agreement resolving their client's claim**. What remains outstanding is the formality of formally obtaining the sealed court order.

31 WARWICK SQUARE • LONDON • SW1V 2AF • TEL: (020) 7828 8685 • FAX: (020) 7630 6976 • DX 110 CHANCERY LANE
email: solutions@pipersmith.co.uk website: www.pipersmith.co.uk

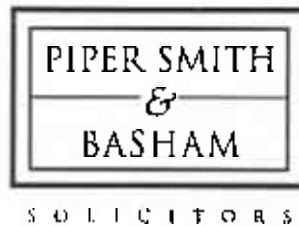
RICHARD M BURNS • MARK D SPAIN • IAN G SEISE • RICHARD C TWYMAN • NANCY J BATHIE • HELEN E BUNKER
CONSULTANT: DIANA CORNFORTH • ASSOCIATES: NERIDA PRIOR • JOHN LLOYD JONES • ANDREW LAWRIE (F.INV.L.Ex.)

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Your letter appears to suggest that there will still be a hearing and witness statements are due to be exchanged. This **will not occur as the action is resolved.**

The complaint raised in your correspondence appears to be that the acceptance of the part 36 offer was not your instruction and that therefore you should be able to somehow revise your acceptance. In my view, a part 36 offer is either accepted or not. **There can not be a qualified acceptance,** such as you had originally proposed that the other side pay your costs.

Having reviewed the file **I am satisfied that the quality of the service that we provided was perfectly acceptable,** but it does appear that you have lost the usual trust and confidence which you should be entitled to place with your solicitors and other professional advisers.

Accordingly, if you remain dissatisfied, I must advise you of your right to seek advice from another firm of solicitors. This is particularly in view of your criticism **that notwithstanding your clear instructions to accept the part 36 offer, you wish to revise this to some form of qualified acceptance which would not be acceptable under the Civil Procedure Rules and would only lead to further litigation at your cost and as counsel had advised.**

Please let me know if you wish to instruct other solicitors in this matter.

Yours sincerely

IAN G SKUSE

Email:- ian.skuse@pipersmith.co.uk

Please note for the Christmas and New Year period our office will be closed on Wednesday 24 December reopening on Monday 29 December. The office will also be closed on New Year's Day.