

Mr Stan Gallagher
2 John Street
London WC1N 2ES

Ms Noëlle K-Dit-Rawé

Fax: 020 7242 3224

(By fax and bike)

13 November 2003

Dear Mr Gallagher

Reply to Steel Services Part 36 Offer

Given that:

- (i) today is the deadline for replying to Steel Services' Part 36 Offer;
- (ii) it appears that a delay occurred in your receiving my reply to their offer (my reply was hand-delivered to Piper Smith Basham at 9:00 last Friday. To allow Mr Richard Twyman to forewarn you, I had left him a voicemail message at lunchtime the previous day letting him know that he would have my letter first thing on Friday morning);
- (iii) Mr Twyman may yet again be unavailable today. (I was told that he was out of the office all day yesterday. He did not communicate this information to me when I spoke to him on Tuesday morning. In addition, yesterday, his secretary did not return my call).

can you please ensure that your draft of the reply to Steel Services is also faxed to me on the following:

I will take this opportunity to add *other points to be included in the reply*.

1. That I am being exceptionally generous in my reply to Steel Services' offer considering that:

As stated in my draft reply of 7 November 2003, I have not been provided with the necessary information:

- (i) Details of specifications, followed by tendering - to help me determine whether or not I am actually liable under the terms of my lease to pay £1,735.74 of the sum demanded (section 3 of my letter)
- (ii) Nor have I been provided with a copy of the 2002 year-end accounts

This is in breach of the Civil Procedures Rules:

"If the process of making Pt 36 offers before the commencement of litigation is to work in the way in which the CPR intend, the parties must be provided with the information which they require in order to assess whether....to accept that offer...If a party has not

enabled another party to properly assess whether or not... to accept an offer which is made because of non-disclosure to the other party of material matters, or if a party comes to a decision which is different from that which would have been reached if there had been proper disclosure, this is a material matter for a court to take into account in considering what orders it should make ” (e.g. Ford vs. GKR Construction, 2000)

In addition to this – and to the points made in my letter of 7 November 2003 – the following must also be emphasised in the reply:

- The Court action by Steel Services was completely unnecessary. It was a duplication and an abuse of process since Steel Services had simultaneously referred all these matters to the LVT.
- Any remaining uncertainties result only from Steel Services' failure to supply the LVT with enough information to take a final decision on all the issues.

Many thanks in anticipation of your assistance.

Yours sincerely

Noëlle K-Dit-Rawé

cc. Richard Twyman, Piper Smith & Basham; Tim Brock, LSM Partners *(by fax)*

MEMORY TRANSMISSION REPORT

PAGE : 001
TIME : 13-11-03 10:11
TEL NUMBER: 020 ~~3224~~ ~~3224~~
NAME : ~~XXXX~~ FX866

FILE NUMBER : 468
DATE : 13-11 10:10
TO : 902072423224
DOCUMENT PAGES : 003
START TIME : 13-11 10:10
END TIME : 13-11 10:11
SENT PAGES : 003
STATUS : OK

*ghll As not changed to
winter time*

FILE NUMBER : 468

*** SUCCESSFUL TX NOTICE ***

FAX - CONFIDENTIAL

13 November 2003

To	Mr Stan Gallagher
Organisation	Arden Chambers
Fax	020 7242 3224
From	Noëlle K-Dit-Rawé (3 Jefferson House)
Subject	
Number of pages	Page 1 of 3

Please, see two-page letter attached

MEMORY TRANSMISSION REPORT

PAGE : 001
TIME : 13-11-03 10:26
TEL NUMBER: 020-~~XXXX~~
NAME : ~~XXXX~~ FX866

FILE NUMBER : 470
DATE : 13-11 10:22
TO : 8902076306976
DOCUMENT PAGES : 003
START TIME : 13-11 10:22
END TIME : 13-11 10:26
SENT PAGES : 003
STATUS : OK

*h.22 (A) not changed
to winter time*

FILE NUMBER : 470

*** SUCCESSFUL TX NOTICE ***

FAX - CONFIDENTIAL

13 November 2003

To	Mr Richard Twyman
Organisation	Piper Smith & Basham
Fax	020 7630 6976
From	Noëlle Rawé (Jefferson House) (REF: LM.R360/1)
Subject	
Number of pages	Page 1 of 3

Please see two-page letter attached

MEMORY TRANSMISSION REPORT

PAGE : 001
TIME : 13-11-03 10:15
TEL NUMBER: 020 7[REDACTED]
NAME : [REDACTED] FX866

FILE NUMBER : 469
DATE : 13-11 10:14
TO : 902076160101
DOCUMENT PAGES : 003
START TIME : 13-11 10:14
END TIME : 13-11 10:15
SENT PAGES : 003
STATUS : OK

*g h i j A) not changed
to winter time*

FILE NUMBER : 469

*** SUCCESSFUL TX NOTICE ***

FAX - CONFIDENTIAL

13 November 2003

To	Mr Tim Brock
Organisation	LSM Partners
Fax	020 7616 0101
From	Noëlle Rawé (Jefferson House)
Subject	
Number of pages	Page 1 of 3

Tim

Please see attached my two-page letter to Stan Gallagher

Kind regards,

Noëlle